

2022

**L. EDWARD BRYANT, JR.
NATIONAL HEALTH LAW
TRANSACTIONAL COMPETITION**

OFFICIAL RULES

HOSTED BY:

**Beazley Institute for Health Law and Policy
Loyola University Chicago School of Law**

**Prizes generously provided by the American Health Law
Association**

PART I. ORGANIZATION OF THE COMPETITION

The National Health Law Transactional Competition (“the Competition”) is an inter-law school transactional competition sponsored by the Beazley Institute for Health Law and Policy at Loyola University Chicago School of Law. The purpose of the Competition is to develop corporate and transactional lawyering skills and encourage interest and research in the field of health law. The Competition is organized by a Coordinating Committee (“the Committee”), which is comprised of faculty and staff of the Beazley Institute for Health Law and Policy. Construction of the Official Problem for the Competition was overseen by a committee of five professors, three of whom are affiliated with law schools other than Loyola. Health law practitioners, including leading partners from major health law firms, in-house counsel, government attorneys and advisers, judge the competition and play the role of the client during oral presentations.

PART II. THE RULES

Teams

Rule 1. Number and Composition of Teams.

Each participating school may enter one team. Each team shall be comprised of three students, all of whom must be law students currently enrolled in a JD program at the time of the Competition.

Rule 2. Substitution of Team Members.

All substitutions must be communicated to the Committee by emailing health-law@luc.edu. There shall be no substitution of team members after submission of the written memorandum except upon written consent of the Committee.

Rule 3. Format and Length of Memoranda.

(a) Format and Length of Memoranda.

- i. No information that tends to identify the school or contestants other than the number assigned by the Committee may appear at any place in the memorandum or on the cover. Teams will be assigned a competition number upon registration. This number should be used to identify the team in the memoranda.
- ii. No memorandum may exceed 25 double-spaced typed pages (including any citations). A cover page and table of contents is excluded from the page count. The memorandum must be typed in Times New Roman 12-point font and saved in Adobe Acrobat PDF file format.

- iii. The memorandum must have pages not exceeding 8 ½ by 11 inches with 1-inch margins. Page numbers are not included in the margin requirements.
 - iv. Any necessary citations should be in footnotes rather than endnotes or within the text. Citation form should be in compliance with *The Bluebook*.
- (b) Each team submitting a memorandum in the Competition shall certify that the memorandum has been prepared in accordance with these Rules and that it represents the work product solely of such team's members. The Certification is attached as Appendix A. ***Team Members must each individually sign this form by name.***

Rule 4. Delivery of Memoranda.

- (a) Delivery of Memoranda to the Committee.
- (i) Each team shall submit one electronic copy of its memorandum no later than Sunday, February 13, 2022, at 11:00 p.m. central standard time. A link will be provided via email for electronic submission of the memorandum and signed certification.
 - (ii) The electronic copy of the memorandum must be in Adobe Acrobat PDF file format. No other formats will be accepted without prior approval.
 - (iii) An e-mail will be sent to confirm each team's memorandum submission by 4:00 p.m. central standard time on Monday, February 14, 2022. If a team does not receive a confirmation email by that time, they should immediately contact the Beazley Institute at health-law@luc.edu or (312) 915-7174.
 - (iv) Any matter tending to identify a team or its members will be excised by the Committee prior to circulation of the memorandum to other teams and to the Judges.
 - (v) The Committee will make available to competitors memoranda submitted by other teams. Memoranda will be made available within one week of receiving all electronic versions of the memoranda.

- (b) Delivery of Certification to the Committee.

After signing the Certification (Appendix A), each team must scan and electronically submit its Certification to the Committee. Each team must send the Certification as an attachment to the electronic memorandum submission link described above.

Rule 5. Revision of Memoranda.

A team may not revise or supplement its memorandum after delivering its memorandum to the Committee.

Rule 6. Faculty or Other Assistance.

- (a) Memoranda. No team may receive specific assistance in the writing of its memorandum. Only registered team members may perform editing and proofreading of the memorandum. The problem may NOT be shared with anyone other than registered team members until the memorandum has been submitted. Please note that a faculty or staff member designated to receive communications regarding the Competition may view the problem when it is released, but should not provide assistance to team members in drafting their memorandum. This Rule, however, should not be construed to limit in any way the resource material available to the participants or the general discussion of the issues raised in the problem with non-participants.
- (b) Oral Presentations. Once the memorandum has been turned in, teams are encouraged to have faculty or others judge practice presentations, ask questions, and give general feedback, provided such feedback is not specifically designed to change the substance of the presentation. In interpreting this Rule, it should be emphasized that the purpose of the Competition is to develop the art of transactional lawyering through the participant's own work.

Presentations

Rule 7. Presentation Format and Team Selection.

Presentations will take place virtually via Zoom on Friday, March 25, 2022. ***Only the teams with the top eight memo scores will be invited to present this year due to the logistics of the virtual format.*** The teams with the top eight memo scores will be announced on Monday, March 7, 2022.

Rule 8. Participants in Presentation.

All three team members must participate during each presentation. The extent of each member's participation is at the discretion of the team, but the Committee

recommends that each team attempt to equitably distribute speaking roles among the team.

- (a) Visual Aids. Teams will be permitted, but not required, to use PowerPoint slides or other visual aids during their virtual presentation and will be able to share the document directly via Zoom. Each presentation team shall submit an electronic copy of any slides or visual materials via e-mail no later than Thursday, March 24, 2022 at 11:00 p.m. central standard time, to the following address: health-law@luc.edu

Rule 9. Number of Presentations.

The teams with the top eight memo scores will each have one opportunity to present synchronously via Zoom to a live panel of judges.

Rule 10. Time for Presentations.

- (a) Each team will have 30 minutes total to make its presentation. Teams should prepare remarks for the entire 30 minutes. However, the Judges will be asking questions during and throughout each team's presentation.
- (b) A timekeeper will be present to make sure that each team does not exceed the 30-minute time limit. When the timekeeper calls time the speaker must inform the Judges that time has expired and must refrain from making any further statements other than requesting time to finish a pending question. The Judges may allow the speaker additional time.

Rule 11. Identification Prohibited.

All teams shall at all times refrain from identifying the school they represent to any Judge participating in the Competition prior to or during any round in which such Judge shall participate. Teams will be assigned a number upon registration. Identify the team in the oral presentations by using the assigned number. However, first names of participants may be used in the presentation and can be used as your identification in Zoom. The Judges shall refrain from inquiring as to the home school of the teams until the results of the round have been announced. Violation of this Rule will be grounds for disqualification at the discretion of the Committee.

Rule 12. Oral Presentation and Feedback.

The Judges will provide feedback to teams upon conclusion of their presentation. Immediately following each presentation, Judges will be allotted 5 minutes to complete oral presentation score sheets. After Judges have completed their score sheets, timekeepers will signal that it is time for judge feedback. At that time, the Judges will offer feedback for approximately 10 minutes.

Scoring

Rule 13. Scoring; Penalties.

- (a) Memoranda. Judges appointed by the Committee will score all memoranda submitted. The scoring will be based on a rubric available in Appendix B.¹ The memorandum score will be used in determining the result of each team's total score in accordance with Rule 14. This score will be used to determine which teams will move on to oral presentations.
- (b) Oral Presentations. The teams with the top eight memorandum scores will be invited to present their recommendations orally via Zoom to a panel of judges. A team of health law practitioners appointed by the Committee (the "Judges") will score each team's oral. Scoring will be based on a rubric available in Appendix C.²
- (c) Penalties. The Committee may assess such penalties, including disqualification, as it deems reasonable and appropriate in its sole discretion for failure to comply with these Rules. All memoranda will be subject to uniform penalties for each type of violation, which may be levied in whole or fractional points. The penalty scale for violations of Rule 3 will be in proportion to the overall range of scores of the memorandum being graded.
- (d) Discrepancy in Scoring. Each judge is encouraged to apply their independent judgment in scoring all teams. Similar to the real practice of law, judges will differ in their assessment of memorandum and oral presentations. Although we will respect each judge's independent evaluation, when there is a significant discrepancy in scoring between two or more judges who viewed the same team's memo or oral presentation, we will explain the variation to the low scoring judge when possible and give him or her an opportunity to amend their score if desired.

Rule 14. Weight of Memorandum and Presentations

The score of the teams competing in oral presentations will be computed by weighing the oral presentation score fifty percent (50%) and the memorandum score fifty percent (50%). The oral presentation score will be determined by the Judges without knowledge of the memorandum scores, and will be arithmetically weighted and combined with the preliminary score under the 50% - 50% formula

¹ Appendix B is a general representation of the criteria for judges scoring the memorandum. At the discretion of the Committee, point values may be subdivided to meet specific issues presented by the problem.

² Appendix C is a general representation of the criteria for judges scoring oral presentations. At the discretion of the Committee, point values may be subdivided to meet specific issues presented by the problem.

of this rule. This score will be used to determine the Overall Champion of the Competition, as well as the Second Place and Third Place teams.

Rule 15. Results.

Results of the Competition will be announced by the Committee after all presentations are completed and reviewed. This may take up to two weeks after the competition presentations. Competitors will be provided with summary score information within 2 weeks after the competition.

Rule 16. Awards.

The Competition will recognize an Overall Champion, which is the team with the highest weighted overall score determined in accordance with Rule 14. The Competition will also recognize the Second Place Team and Third Place Teams as determined in accordance with Rule 14. Awards will be given to each competitor on the top three overall teams.

PART III. OTHER RULES

Rule 17. Oral Presentation Viewing

Oral presentations will be closed to all viewers except for the presenting team's faculty advisor or coach and members of the Committee administering the competition.

Rule 18. Recording Oral Presentations

Each oral presentation will be recorded via Zoom and shared with the respective team after the competition concludes. The presentation recording for the winning team will also be shared with all teams that registered for the competition and may be posted publicly on Loyola's website.

In addition to the Rules herein set forth, the Committee may make any other rules and procedures it deems advisable. Participants will be advised promptly of any amendments or corrections of these Rules.

Requests for interpretation of these Rules or the problem may be addressed by e-mailing the Committee at Health-Law@luc.edu. Interpretations shall be issued by the member of the Loyola University Chicago School of Law faculty or staff in charge of the competition and shall be final and binding on all competitors. Any interpretations shall be in writing and sent to all competitors.

APPENDIX A

TEAM CERTIFICATION

We hereby certify that the memorandum for _____
Law School is the product solely of the undersigned and that the undersigned have not
received any specific faculty or other assistance in connection with the preparation of this
memorandum other than as permitted by Rule 6.

Team Member's Name

Team Member's Name

Team Member's Name

APPENDIX B

MEMORANDUM RUBRIC

2022 NATIONAL HEALTH LAW TRANSACTIONAL COMPETITION

Official Ballot - Memorandum

TEAM #: _____

JUDGE NAME: _____

The participants' memorandum is graded on a scale of 0 to 100 points. Your judging should be independent. Scoring should not be affected by your personal views. If there is a large discrepancy in scoring between two or more judges who reviewed the same memo, we will explain the variation to the low scoring judge and give him or her the opportunity to amend their score if desired.

The total cumulative score for each counsel should range between extremely poor (0-50) and exemplary (100 is a perfect—you would not expect anyone to have done better). Historically, 80 points is the average score awarded across all memos scored.

The total score will be based on the following criteria:

SUBSTANCE

The substance of each memo will be evaluated based on the three questions that are listed at the end of the competition problem. For each substantive question, points will be awarded as follows:

Question 1: 0-20 points

Question 2: 0-30 points

Question 3: 0-20 points

Question 4 :0-10 points

Sub-score: (0-80)_____

FORM

The form of each memo will be evaluated based on writing style, grammatical correctness, completeness of answer, and organization. The form of the memo will account for 0-20 points.

Sub-score: (0-20)_____

Comments

APPENDIX C

ORAL PRESENTATION RUBRIC

2022 NATIONAL HEALTH LAW TRANSACTIONAL COMPETITION

Extended Guidelines for Judges - Oral Presentation

Your judging should be independent. Scoring should not be affected by your personal views. Instead, it should be based solely on the speakers' presentation skills. Additionally, other judges around you should not influence your scoring. In this regard, you are encouraged to discuss a team's performance with the other judges, but your scoring should still remain independent. If there is a large discrepancy in scoring between two or more judges who reviewed the same oral presentation, we will explain the variation to the low scoring judge and give him or her the opportunity to amend their score if desired.

The point differential on the official ballot is **highly important** because cumulative margin of victory determines the winner of the competition. Therefore, if one team is clearly better or worse than the other, the scoring should clearly reflect that fact.

The total cumulative score for each counsel should range between extremely poor (0-50) and exemplary (100 is a perfect—you would not expect anyone to have done better). Historically, 80 points is the average awarded across all oral presentations scored.

Evidence of Research; Knowledge of the Problem, Issues and Law; Organization and Reasoning (maximum 50 points)

1. Does counsel provide a clear road map and well organized presentation?
2. Does counsel give a broad but brief overview of the factual backdrop?
3. Does counsel have a thorough knowledge of the problem? Is counsel able to direct you to important language?
4. Does counsel emphasize the important issues addressed in the problem?
5. Does counsel demonstrate an understanding of the ramifications and interconnectedness of advice given?
6. Are counsel's explanations clear and direct?
7. Are the issues firmly fixed in the Judge's minds when counsel leaves the room?

Ability to Answer Questions (maximum 20 points)

1. Is counsel responsive to questions rather than evasive or repeatedly unable to give an answer? (Deferring to one's partner is permissible where such a question involves the other team member's portion of the presentation, but if that person fails to answer the question, then the latter may be penalized at your discretion).
2. Is counsel able to answer a question with authority, either theoretically or with citations to relevant statutes, regulations, and case law?
3. Is counsel able to fit relevant questions into his or her overall analysis?

4. Is counsel able to continue his or her presentation following a question?
5. Is counsel candid about weak points in his or her proposal?

Forensic Performance/ Boardroom Demeanor (maximum 20 points)

1. Does counsel use correct grammar, timely emphasis, and effective pauses?
2. Is counsel's voice clear rather than inaudible or difficult to understand?
3. Does counsel have proper volume, loud but not overbearing?
4. Does counsel use "ahs," "ers," "ums" or other distracting sounds?
5. Is counsel trying to be helpful to the Judges?
6. Does counsel have distracting non-verbal mannerisms?
7. Does counsel maintain good eye contact?
8. Does counsel know his or her presentation or does he or she refer excessively to notes or read a prepared text?
9. Does counsel maintain professionalism throughout the presentation?

Team Synergy (maximum 10 points)

1. Do counselors operate as a cohesive unit rather than individuals?
2. Do counselors smoothly transition from one speaker to the next?
3. Does the time between the speakers appear to be equally distributed?
4. Do the counselors step in to help each other as appropriate, if necessary?