

Official Rules and Standards
for Participation in the Fifteenth Annual
Williams Institute Moot Court
Competition

2018-2019

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I. OBJECTIVE OF THE WILLIAMS INSTITUTE MOOT COURT PROGRAM

The purpose of the Williams Institute Moot Court (“the Competition”) is to expose law students to the process of appellate advocacy and familiarize them with cutting-edge issues in sexual orientation and gender identity law. The primary function of all of our activities is to provide a worthwhile educational experience for advocates and judges. Any competitive aspect of moot court is secondary.

Notice to all competitors: Teams will no longer be reimbursed by the Williams Institute for practicing their arguments in front of sitting judges.

II. CONDUCT OF ADVOCATES

The ideals of fair play, sportsmanship, friendship, and honesty shall guide the conduct of all participants throughout the Competition, including brief writing, competition rounds, breaks between rounds, and award presentations. Advocates shall strive to exemplify the highest ideals of the legal profession and to maintain the highest standard of ethical conduct. Courtesy toward opposing advocates, judges, and tournament officials is expected at all times. All advocates shall strive diligently to undertake the study, preparation, and practice required to present their client’s case with integrity and competence.

III. SCHEDULES

A. Schedule for Registering to Participate

The 15th Annual Williams Institute Moot Court Competition will take place on March 23, 2019. Registration for the Williams Institute Moot Court Competition will open on November 01, 2018 and close on November 30, 2018. The problem will be released to registered teams on December 18, 2018. Registration will be online, and payment is accepted via credit card or check. Checks should be payable to “**Williams Institute/UCLA Foundation**” and should be mailed to:

**Williams Institute Moot Court Competition
UCLA School of Law
Box 951476
Los Angeles, CA 90095-1476**

The registration fee for the competition is \$300. Registration checks will be non-refundable.

B. Schedule for Submitting Questions

The Board will accept questions about the problem from December 18, 2018 through February 12, 2019 at 5:00pm (PST). Answers to questions will be posted on the registered teams’ webpage every Thursday. Questions must be received by the prior Tuesday at 5pm Pacific Time to be included in the Thursday post. Questions received after 5pm on Tuesday will be included in the following week’s post. **Please note that the Williams Institute will be closed for winter break from December 24, 2018 through January 02, 2019 and questions received during this time will not be answered until January 03, 2019.**

The questioner's identity will remain anonymous. Please direct all questions about the problem to the Board at WilliamsMootCourt@law.ucla.edu and put "Question Regarding Problem" in the subject line.

C. Schedule for Submitting Briefs

Briefs must be submitted by e-mail only. The deadline for e-mailing all briefs to the Competition Board is 5:00pm (PST) on February 17, 2019. Briefs should be e-mailed to WilliamsMootCourt@law.ucla.edu with "Brief" and your team number in the subject line.

Briefs must be e-mailed in both Word and PDF formats.

The Board will accept briefs until 6:00pm (PST) on February 17, 2019, but briefs received after 5:00pm (PST) will be considered late briefs and will be penalized on their scores. **The Board will deduct two (2) points (out of 50) off the brief score FOR EACH fifteen (15) minutes, or part thereof, that a brief is late.** You are encouraged to e-mail in your brief earlier than the deadline to avoid last-minute problems. If you are experiencing technical difficulties in e-mailing your brief, PLEASE CALL the Williams Institute at 310-267-4382. All briefs will be posted anonymously on a private link on the Williams Institute website and available to all competitors.

IV. UNETHICAL CONDUCT

To make the competition as fair and rewarding as possible, the Board relies heavily on each participant's good faith and high principles to maintain an ethical and professional level of participation. The Board therefore retains the right to disqualify any participant for any conduct that it deems unethical.

One area of conduct that the Board will consider unethical is solicitation of substantive advice regarding the problem. Specifically, you may not consult attorneys, professors, judges, or others trained in the area of law to test your arguments prior to submitting your brief. You are, however, allowed and encouraged to discuss the problem with other participants.

In addition, it is unethical to solicit advice regarding proper citations. You may use only the 19th or 20th editions of the Bluebook to cite the cases. The use of any automated or electronic Bluebooking aids will result in disqualification.

The Board will not tolerate plagiarism, even with consent, of any portion of another participant's brief. The Board expects there to be some similarities in the arguments presented and the style in which they are presented, but if it appears that there is unusually high similarity, both briefs will be subject to scrutiny and possible disqualification. In order to defend yourself should your brief come under question, you are encouraged, but not required, to keep drafts of your brief as it develops.

The Board also considers it unethical to engage in behavior tending to cause other participants to incur penalties or be otherwise disadvantaged. These areas are only examples of conduct that the Board may deem unethical. If you are unsure if a course of conduct is unethical, you are encouraged to contact the Board for guidance.

V. RESEARCH

You have an open universe in which to research legal issues. All facts and legislative history required for your analysis are included in the materials.

Note: Do not address the issues of standing, mootness, ripeness, or jurisdiction, whether or not discussed in the material. Only address the issues presented by the problem.

VI. REQUIREMENTS FOR BRIEFS

A. Structure

The brief shall be the product of both (or in the case of three team members, all three) advocates. Each person is responsible for writing at least six (6) pages of argument. Any advocate who fails to write at least the minimum number of pages will be disqualified and will not be allowed to participate in oral arguments. The entire brief MAY NOT EXCEED thirty-two (32) pages of text. For every page exceeding thirty-two, we will deduct five (5) points from the brief score. The sections below marked with an asterisk (*) will be included in the text page count:

Title Page (which should contain the following information)

- Names of each team member
- Team Number, including which side (assigned when problem is released)
- Phone number of each advocate
- Identification of which issue each advocate addressed (in the case of three team members, one issue may be split between two participants)

Table of Contents

Table of Authorities

- * Questions Presented
- * Opinion Below (joint section)
- * Constitutional Rules and Provisions
- * Introduction (Summary of Argument)
- * Statement of the Case (Summary of the Facts)
- * Argument
- * Conclusion

Signature block

The following signature block should appear at the end of the briefs. Because it is not included in the page count, it is acceptable if the signature block appears alone on a separate page:

Respectfully submitted,

/s/ _____
Partner 1

/s/ _____
Partner 2

/s/ _____
Partner 3 (optional)
Attorneys for Petitioner/Respondent

EACH BRIEF MUST CONTAIN THE ABOVE LISTED SECTIONS AND IN THE ORDER PRESENTED. Consult the "sample briefs" at:
<http://williamsinstitute.law.ucla.edu/sample-moot-court-briefs/>

B. Style and Format Limitations

All briefs MUST use Courier New font and the type size must be 12 point font. This applies to all portions of the brief, including the page numbers and sections that may not count toward the page limit. Pages shall not exceed 8 1/2" x 11" and margins must be exactly 1" on all sides (not justified). Text and footnotes must be DOUBLE-SPACED, except for point headings and quotations in excess of 50 words, which, in accordance with the Bluebook, may be single-spaced.

C. Citations

Advocates must follow the BLUEBOOK (the Uniform Rules of Citation, 19th ed. or 20th ed.) for all citations in their briefs.

BRIEFS MUST CITE TO THE "DECISION ON APPEAL" WHERE APPROPRIATE. Consult the "sample briefs" at:
<http://williamsinstitute.law.ucla.edu/sample-moot-court-briefs/>

VII. UNACCEPTABLE BRIEFS

The Board reserves the right to find a brief or one partner's portion of the brief unacceptable. The Board defines unacceptable briefs as those of such poor quality that we could not present them in good conscience to attorneys, judges, and professors who participate in the competition.

Unacceptable briefs will be disqualified, and the participant will not receive a score for his or her brief. An advocate who turns in a brief that is deemed unacceptable by the Board will have two options:

1. Withdraw from the competition. No refunds will be given.
2. Resubmit an acceptable brief within 24 hours of being notified that the brief has been disqualified. The participant will receive zero (0) points for his or her brief, but will be allowed to participate in oral arguments and will be eligible to score full points for the oral argument portion of the competition.

NOTE: Acceptance of the brief at the time it is turned in is conditional and subject to the subsequent review of the brief by members of the Board.

The Board seeks to encourage participation in the Competition, but at the same time seeks to foster excellence in all advocates. Consequently, this rule has been followed traditionally to impress upon participants the importance to effective appellate advocacy of both written and oral presentations.

VIII. REQUEST FOR RECONSIDERATION

A request for reconsideration of any determination by the Board of unethical conduct or a disqualification may be requested once as a matter of right. All such requests must be in writing and must be submitted to the Williams Institute Moot Court Competition Board. The Board will review such written requests within three (3) business days of their receipt. A majority of the Board will decide all such requests. Decisions of the Board are final.

IX. ORAL ROUNDS

Advocates must report to the sign-in table in the front lobby of the UCLA School of Law at least thirty (30) minutes prior to the scheduled start of their respective rounds. The rounds of oral argument will begin at 9:30am (PST) on Saturday, March 23, 2019. The preliminary rounds are scheduled for the morning and the quarter-final and semi-final rounds are scheduled for the afternoon. All teams are encouraged to stay to watch the semifinal round. Rounds will be assigned at random.

Oral argument is limited to a total of thirty (30) minutes per side, fifteen (15) minutes per issue. **Thus, three-person teams must split the issues among themselves to ensure that each team member will argue at least one side of one issue during the preliminary rounds as all team members are required to present an oral argument.**

A maximum of five (5) minutes may be reserved by the petitioners for rebuttal. Rebuttal time may be reserved from either or both issues in full minute increments (e.g. 2 minutes reserved from Issue 1 and 3 minutes reserved from Issue 2). Both petitioner team members may argue in rebuttal. No time may be reserved for rebuttal by respondents.

All teams will argue one preliminary round on-brief, and one preliminary round off-brief. The order of on-brief and off-brief rounds for any particular team may be assigned by the Board in the event that there are an unequal number of respondent and petitioner teams competing in the preliminary rounds. In the event that two petitioners or two respondents must argue against each other in the quarter-final, semi-final, or final rounds because an unequal number of petitioner and respondent teams have advanced, the teams to argue on-brief will be determined by coin toss.

All advocates are expected to conduct themselves in a professional manner. Dress as you would for an actual appearance in a court of law.

X. PARTIES

In the briefs and in oral arguments, advocates should refer to the appealing party as Petitioner and the responding party as Respondent, rather than appellant and appellee.

XI. SCORING

A. Generally

Each team is scored on its brief and its oral performance in each round. Individual advocates are ranked based on their oral performance in each round.

We recommend that each advocate become familiar with his or her partner's issue, as judges in the past have occasionally asked an advocate questions that relate to his or her partner's portion of the brief.

Team scores that determine advancement after the preliminary rounds are based on both brief scores and oral performance. Scores will be weighted 2/3 oral performance and 1/3 brief writing performance. Only oral argument performance will determine advancement past the quarterfinal round.

B. Brief Scoring Guidelines

These guidelines may be subject to revisions prior to the date of the competition. If you have any questions about this, please e-mail the Board at WilliamsMootCourt@law.ucla.edu.

The factors listed below under each scoring area are not given a specific weight. The factors are only guidelines.

In scoring the advocate's brief, the scorers may consider a number of factors, including, but not limited to:

1. TABLE OF CONTENTS, INTRODUCTION, AND ISSUES PRESENTED:

Score: 1 – 5 (x2)

- Are the issues framed concisely and intelligibly?
- Do the headings advance the argument?
- Does the brief use the "Questions Presented" as an advocacy opportunity? If so, does it strike a proper balance between advocacy and accuracy?
- Does the Introduction summarize the argument persuasively?

2. STATEMENT OF THE FACTS: Score: 1 – 5 (x1)

- Does it avoid distorting or misusing the facts?
- Does it include only relevant material?
- Does it foreshadow the legal arguments?

3. LEGAL ARGUMENT: Score: 1 – 5 (x 5)

- Does the brief use relevant decisions?
- Does it apply the legal principles and offer factual case comparisons effectively?
- Does it effectively anticipate major counter-arguments?
- Are its arguments and organization lucid and logical?
- Is it persuasive?

4. STYLE AND PROFESSIONALISM: Score: 1 – 5 (x2)

- Does the brief use proper grammar, spelling, and punctuation?
- Is it well written (e.g. word choice, sentence structure, ease of reading)?
- Is it respectful and otherwise appropriate in tone?
- Does it correctly cite the decisions and the record according to the Bluebook?
- Is it neat and technically precise?

TOTAL: (out of 50)

SCORE DESCRIPTIONS

| SCORE | DESCRIPTION |
|-------|---|
| 5 | Exceptional; unique, extremely persuasive and outstanding use of authority; extraordinarily advanced writing skills. |
| 4 | Good; particularly solid and well-written brief; effective ideas. |
| 3 | Competent; adequate presentation and representation of client’s position; no significant flaws in the argument. |
| 2 | Fair; lacks polish; needs improvement; misunderstood some issues or failed to present the client’s position clearly and effectively. |
| 1 | Poor; must improve technical skills; needs help in persuasive writing; frequent omission or misunderstanding of intended arguments and authorities; frequent errors of grammar, style, etc. |

C. Oral Performance Scoring Guidelines

These guidelines may be subject to revisions prior to the date of the competition. If you have any questions about this, please e-mail the Board at WilliamsMootCourt@law.ucla.edu.

The factors listed below under each scoring area are not given a specific weight. The judges may assign scores at their discretion. The below factors are only guidelines for both the advocates and the judges.

In scoring an advocate’s oral performance, the judge may consider several factors including but not limited to:

1. OPENING: Score: 1 – 5 (x2)

Did the advocate . . .

- Quickly summarize the party’s basic position?
- Speak clearly and confidently with limited reliance on a written statement?

- Offer a roadmap as an overview of the party's arguments?

2. PRESENTATION OF THE MERITS: Score: 1 – 5 (x4)

Did the advocate . . .

- Effectively maintain a theme?
- Make well-reasoned arguments?
- Focus on the important issues raised by the case?
- Organize the arguments coherently?
- Demonstrate mastery of the facts and the decision below?
- Exhibit knowledge and understanding of relevant precedent and policy?

3. RESPONSIVENESS TO THE BENCH: Score: 1 – 5 (x2)

- Was the advocate prepared for questions that could be reasonably anticipated?
- Did the advocate respond to the bench's questions and concerns effectively?
- Did the advocate resume his or her argument when appropriate after bench interruptions?

4. DEMEANOR: Score: 1 – 5 (x2)

Did the advocate . . .

- Present the argument smoothly and confidently?
- Display a courteous and respectful attitude when responding to the bench?
- Minimize use of notes?
- Maintain eye contact and use appropriate gestures?
- Develop a rapport with the bench?
- Avoid distracting fillers (e.g., "um")?
- Avoid unnecessary shifting or fidgeting?
- Dress appropriately?

TOTAL: (out of 50)

SCORE DESCRIPTIONS

| SCORE | DESCRIPTION |
|-------|---|
| 5 | Exceptional; unique, extremely persuasive and outstanding use of authority; extraordinarily advanced oral skills. |
| 4 | Good; particularly solid oral argument; effective ideas. |
| 3 | Competent; adequate presentation and representation of client's position; no significant flaws in the argument. |
| 2 | Fair; lacks polish; needs improvement; misunderstood some issues or failed to present the client's position satisfactorily. |
| 1 | Poor; must improve technical skills; needs help with oral advocacy. |

In general, an advocate's scores are determined solely by judges from outside the law school community (i.e. actual judges or attorneys) and law professors.

D. Calculating Scores

Briefs will be scored by professors at the UCLA School of Law and attorneys with expertise in the field of sexual orientation and gender identity law.

Every effort will be made to have at least three (3) judges oversee each oral argument round. At the end of the preliminary rounds, each advocate will ideally have been judged by six (6) judges. Each judge will be responsible for judging oral performance. Judges' scores for each team will be averaged after each preliminary round to determine the team's oral argument performance score for that round.

To determine which teams advance to the quarter-final round, the Board will calculate a total score for each team after the two preliminary rounds. This score will be weighted 1/3 brief score, 1/3 round 1 oral argument performance score, and 1/3 round 2 oral argument performance score. The highest scoring team from each room in the quarter-finals and semi-finals will advance to the next round.

To determine the best oral advocate, each advocate in the preliminary, quarter-final, and semi-final rounds will be ranked "1st" through "4th". Points will be assigned that correspond with these rankings (i.e., 1 point for 1st place ranking, 2 points for a 2nd place ranking and so on). After the semi-final round, these points will be averaged to determine an individual score for each advocate who has remained in the competition through the semi-final round. The advocate with the lowest average score after the semi-final round will receive the award for best oral advocate. Advocates must advance to the semi-final round to be considered for best oral advocate. In the event of a tie, the Board will determine an appropriate tiebreaker at the time of the competition.

E. Penalties

The Competition Board will assess the following penalties:

- Two (2) point deduction for every 15 minutes, or part thereof that a brief is submitted late by e-mail (according to the electronic timestamp on the WilliamsMootCourt@law.ucla.edu e-mail account).
- Two (2) point penalty for the first and each subsequent page (or part thereof) that exceeds the page limit.
- Five (5) point penalty for failing to adhere to the 1" margin requirement.
- Five (5) point penalty for failing to adhere to the 12 point font size requirement.
- Five (5) point penalty for failing to adhere to the font requirement of Courier New.
- Three (3) point penalty for failing to include the correct team number, including party, on the cover of the briefs filed with the Board.
- Two (2) point penalty for failing to turn in an original copy of the affidavit (see the last page of these rules) signed by both (or all three) partners before the competition or in person on the day of the competition.
- Five (5) point penalty for writing the brief for the wrong side (either Petitioner or Respondent) as determined by the Team Number assigned by the Board.

- Maximum penalty for any combination of violations: 15 points.

Note: Penalties will be deducted from each team's composite brief score. The Board's assessments of penalties shall be final.

F. Competition Board

All Competition Rules are enforced under the sole discretion of the Board. When the impact of an alleged violation of these Rules is so insignificant as to be determined by the Board to be de minimis, the Board may modify or waive the penalty. Any de minimis exception shall be applied evenly to all advocates. The Board has the sole discretion to interpret these Rules. No interpretation of these Rules is valid unless obtained in writing from the Board. The Board has the sole power to resolve any dispute that may arise during the competition.

The Board may promulgate such other measures as may be deemed advisable for the orderly conduct of the competition or to correct deficiencies in the competition. Modifications shall not violate the spirit of these Official Rules or the best interests of the competition. Changes and supplements will be communicated to participants as quickly as possible.

Note: Any questions or inquiries about the competition should be directed to the Williams Institute Moot Court Board by e-mail. To the extent a question or inquiry affects other advocates, a copy of each written question and answer will be posted (anonymously) online to all participants along with questions and answers regarding the problem.

Questions or inquiries about the Rules and Scoring may be addressed to:
WilliamsMootCourt@law.ucla.edu.

XII. AWARDS

A. Award for Outstanding Brief

The team that writes the best overall brief will receive recognition and a cash prize. In the event of a tie, the cash prize will be split between teams.

B. Finalist Awards – Outstanding Oral Advocacy

The oral advocate with the highest individual score (see Section XI.D. above for the method used to calculate this score) will be given a cash prize after the final competition.

XIII. QUESTIONS AND CONCERNS

Students may contact the Board at WilliamsMootCourt@law.ucla.edu. Questions will be answered as time permits. However, all questions regarding these Rules or substantive questions about the problem should be submitted IN WRITING. Only written responses to written inquiries will be binding on the Board.

XIV. AFFIDAVIT

Detach this page, sign it, and turn it in either to the Williams Institute by mail before the competition, or in person the day of the competition.

Williams Institute Moot Court Competition
UCLA School of Law
Box 951476
Los Angeles, CA 90095-1476

Participants need only turn in this one affidavit per team.

We hereby certify that the brief for team _____ is the product solely of the undersigned and that the undersigned have not received any faculty or other assistance in connection with the preparation of the brief. Moreover, we affirm that we have read and understood the Official Rules and Standards for participating in the Williams Institute Moot Court Competition.

Team Member #1

Team Member #2

Team Member #3 (optional)