

Rules of the 1988 JOHN W. DAVIS MOOT COURT COMPETITION

Although the John W. Davis Competition is a team activity, the members of the Washington & Lee Law School Moot Court Board encourage all eligible students to participate even if they are unable to obtain a partner. Individuals, unable to obtain a partner, have been successful in previous competitions.

BRIEFS:

(a) Briefs will be assigned to teams of two members. Each team will be assigned one side of the argument to be briefed. ALL ASSIGNMENTS WILL BE RANDOMLY SELECTED. No individual may participate in the competition after the sign-up meeting on Friday, September 2, 1988, except in cases of exigent circumstances with notification and approval by the Moot Court Board before 5:00 p.m. on Monday, September 5, 1988.

(b) Changing sides is permitted only if another team can be found which is willing to switch sides. Only for the purposes of writing the brief will a team be allowed to switch sides. The Moot Court Board must receive written notification of the change before Friday, September 9, 1988 at 5:00 p.m. The written notification must include the team numbers and must indicate that both teams agree to the switch. The notification MUST NOT INCLUDE the individual names of the team participants.

(c) Each member of a team is personally responsible for writing the Argument section of the brief for one substantive issue. Identification of which issue was briefed by which member of the team is mandatory and must be made by September 16, 1988 before 5:00 p.m. Participants must submit in writing their team numbers with identification of which individual addressed each issue. Identification of issues must be placed in an envelope with only the team number written on the outside of the envelope. The envelope should be dropped into the question box located outside the Moot Court Board Room at any time before September 16. BRIEF IDENTIFICATION OF ANY SORT MUST BE MADE ANONYMOUSLY AND BY TEAM NUMBERS AT THE TIME THE BRIEFS ARE DUE. The team numbers should be placed on the brief's cover page. All other sections of the brief should be written by both members of the team. Both an individual and a composite score will make up each individual's brief score.

(d) Briefs shall be submitted on 8 1/2" by 11" paper. The briefs are to be typed, double-spaced and are limited to twenty pages in length. The type size character must be 10 letters to an inch (pica) or 12 letters to an inch (elite). No other size type will be permitted. If a word processing system is used, the brief is to be printed "letter-quality" and on typing

paper. "Letter-quality" is not near letter-quality. Near letter-quality is a dot matrix print and is not acceptable. The "Qume" printer is letter-quality. There will be a 5 point deduction for violation of this Brief Dimension Rule.

(e) The twenty page limitation does include the Title Page, Statement of the Case, Summary of the Argument, the Argument, and the Conclusion. The twenty page limitation does not include the Cover Page, Table of Contents, Table of Authorities, Questions Presented, and Appendix. There will be a 5 point per page deduction for this Brief Dimension Rule.

(f) The briefs should include the following:

Cover Page	Statement of the Case
Table of Contents	Summary of the Argument
Table of Authorities	Argument
Title Page	Conclusion
Questions Presented	

The briefs may include an appendix, but such determination is left open to each team's discretion as an appendix is not required. The briefs should generally follow the format proscribed for briefs presented to the U.S. Supreme Court. Copies of the Best Brief Nominees from past Davis Competitions will be placed on reserve at the circulation desk on September 2, 1988.

(g) All citations must be complete and in the form proscribed in Harvard Law Review Association, a Uniform System of Citation (14th ed. 1986) (Blue Book).

(h) Each team must deliver an original and four (4) copies of the brief by 5:00 p.m. on Monday, October 3, 1988 to the Moot Court Board Room. No briefs should be submitted before 8:30 a.m. Monday, October 3, 1988. The library will charge 5 cents per page to all Davis Competitors needing to make four copies of the brief for submission to the Moot Court Board. Each copy of the brief must be securely stapled in the upper left-hand corner. Penalty points will be assessed for late briefs as follows:

Briefs turned in after:

Monday, October 3, 1988:

5:00 p.m.....	3 points
5:05 p.m.....	6 points
5:10 p.m.....	10 points

Tuesday, October 4, 1988:

5:00 p.m.....	20 points
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No briefs will be accepted after 5:00 p.m., Wednesday, October 5, 1988.

ORAL ARGUMENTS:

(a) Oral arguments shall be limited to a total of fifteen (15) minutes per team member. This time limit includes the introductions, the time spent by the judges in posing questions and the time spent for participants' responses to the judges' questions.

(b) Rebuttal time is limited to a maximum of five (5) minutes and is subtracted from the total time allowed to the individual choosing to present the rebuttal. Rebuttal is made only by the appellant team. Each team may choose how much time is to be allotted and which member may present the rebuttal. Rebuttal must be reserved in advance of the presentation of the appellants' oral argument. Rebuttal may be made by only one designated member of the team in which the time is taken from that individual's allotted time of fifteen minutes. (For example, the appellant presenting the rebuttal may choose to designate three (3) minutes for rebuttal, leaving twelve (12) minutes for his/her argument.)

(c) NO ONE WILL BE ALLOWED TO VIEW THE PRELIMINARY ROUNDS (OCT. 17-23) EXCEPT MEMBERS OF THE MOOT COURT BOARD AND THE DAVIS COMPETITORS PARTICIPATING IN THAT PARTICULAR ROUND. The quarterfinal, semifinal, and final rounds will be open to the public. However, participants advancing to the next level of competition are not permitted to view any rounds or videotapes of that particular level unless they have already presented their argument before the judges. Videotapes will be made of each round and placed on reserve at the circulation desk.

(d) All participants are strictly prohibited from discussing any questions or statements made during a round until that level of rounds is completed.

OUTSIDE ASSISTANCE:

(a) Participants may freely discuss the substantive issues of the problem with each other and with other students. Consultation with the faculty and the members of the Moot Court Board, however, is prohibited.

(b) Participants may utilize LEXIS and WESTLAW to research this problem. All participants are urged to comply with the library regulations involving this type of research.

(c) Written work on the substantive issues chosen by each participant must be his or her own product. Consultation between teammates on the writing of the substantive arguments is permitted only for the purpose of achieving balance, unity, and cohesiveness in the brief as a whole. Teammates may not

correct any grammatical, spelling or other structural flaws in each other's presentation of the Argument.

(d) Word-processing may be used by participants; however, the use of any "Spell-Check", "Cite-Check", or any other computer programs designed to correct spelling or citing errors is prohibited.

(e) Each team's composite written product must be solely its own.

(f) If participants have questions regarding the problem, those questions should be submitted in writing to the question box posted outside the Moot Court Board Room from September 2 to September 28, 1988. Questions addressed to individual Board members will be discarded and not answered.

SCORING:

(a) Each participant will receive an individual brief score based on 75% of his or her presentation of the relevant substantive issue and 25% on the brief quality as a whole. Each individual's total brief score (75% individual, 25% composite) will make up 40% of the score used in determining advancement from the preliminary rounds. In the event that a participant proceeds without a partner, his individual performance will account for his entire brief score, (75% substantive, 25% overall).

(b) Oral argument scores will make up 60% of the score used in determining advancement from the preliminary round, and 75% from the quarterfinal to the semifinal round. Oral scores alone will determine the ranking in the final round and 75% from the semifinals to the finals.

(c) Oral argument and brief score sheets are enclosed. However, absolutely no score sheets will be returned to any participant after the competition. Moot Court Board members will provide each participant with an oral critique of their argument after the preliminary round. Beginning this year, the Moot Court Board will return a written evaluation of each participant's brief following the final round on November 11, 1988.

RESULTS:

BRIEFS:

(a) Between three and five briefs will be designated by the Moot Court Board as Best Brief Nominees. Each individual's team score will be averaged together to form the overall team's

brief score. The highest scoring briefs will be the Moot Court Board's selection of Best Brief Nominees. The Best Brief will be selected from the Nominees as judged by the Moot Court Board and designated faculty members.

(b) No more than five (5) briefs will be selected as Best Brief Nominees.

(c) Best Brief Nominees will be posted on the bulletin board outside the Moot Court Board Room following the end of the preliminary rounds. ALL briefs will then be placed on reserve at the circulation desk with the Best Brief Nominees identified as such. Participants are prohibited from exchanging briefs until after the completion of the preliminary rounds.

ORAL ARGUMENTS:

(a) Schedules of each level of grounds will be posted on the bulletin board outside the Moot Court Board Room. If a conflict arises as to the scheduling of rounds, Louise DiMatteo or Scott Stimpson must be notified of such conflict as soon as possible. The Moot Court Board reserves the right to enforce the schedule of rounds and will try to accommodate requests for change in the event of exigent circumstances.

(b) The names of the advancing participants will be posted on the bulletin board outside the Moot Court Board office as soon as possible after the completion of each level of rounds. Those participants chosen to advance must initial their names as soon as the results are posted to signify that they wish to advance in the competition.

(c) Sixteen participants will be chosen to participate in the quarterfinal round. Eight quarterfinalists will be chosen to participate in the semifinal rounds. Four semifinalists will be designated for the final round. One alternate will be designated for the quarterfinal and semifinal rounds. Until the selection of the four finalists, no ranking will be posted. Ranking of the semifinalists will then be posted to notify those participants of their eligibility status for the National Appellate Advocacy Competition and the Holderness Competition.

AWARDS:

(a) The Best Brief Award shall be given to the team which submits the most outstanding brief. Determination shall be made by the Moot Court Board and selected members of the faculty. Three hundred dollars (\$300.00) will be given to the team submitting the Best Brief.

(b) The award for Best Oral Advocate shall be made by the judges of the final round and on the basis of the performance in the final round alone. Three hundred dollars (\$300.00) shall be awarded to the Best Oral Advocate.

(c) The awards for Best Brief and Best Oral Advocate will be announced following the completion of the final round.

JUDGES:

(a) Selected members of the Moot Court Board will judge the preliminary rounds (October 17-23, 1988). The entire Moot Court Board will score the quarterfinal rounds (October 27-28, 1988).

(b) A faculty bench will judge the semifinal round on Friday, November 4, 1988.

(c) Federal and state court judges will judge the final round on November 11, 1988.

LIBRARY REGULATIONS:

(a) Davis participants are requested to adhere to all library regulations involving shelf-slipping. Please shelf-slip when taking a book from the stacks or another's carrel, even if you only wish to use the book for copying purposes.

(b) If the participants wish to use the library's word processors located in the lower stacks, please sign-up each time you use a terminal. No food or drinks are allowed in the computer cage.

QUALIFICATIONS FOR OTHER COMPETITIONS:

The finalists and top-scoring semifinalists will be eligible for either the National Appellate Advocacy Competition or the Holderness Competition. Members of these teams receive one (1) academic credit for their participation.

THE JOHN W. DAVIS MOOT COURT COMPETITION
WASHINGTON AND LEE UNIVERSITY SCHOOL OF LAW

BRIEF SCORING SHEET

Team Number _____ Judge _____
Petitioner _____
Respondent _____

Part I - Substantive Preparation

Issue #1

- | | | | |
|----|-------------------------------------|-------|--------|
| 1. | Organization of Argument | _____ | (1-10) |
| 2. | Thoroughness of Research | _____ | (1-10) |
| 3. | Analysis of Subject Matter | _____ | (1-10) |
| 4. | Persuasiveness and Use of Authority | _____ | (1-10) |
| 5. | Overall Clarity and Style | _____ | (1-10) |

Total _____

Issue #2

- | | | | |
|----|-------------------------------------|-------|--------|
| 1. | Organization of Argument | _____ | (1-10) |
| 2. | Thoroughness of Research | _____ | (1-10) |
| 3. | Analysis of Subject Matter | _____ | (1-10) |
| 4. | Persuasiveness and Use of Authority | _____ | (1-10) |
| 5. | Overall Clarity and Style | _____ | (1-10) |

Total _____

Part II - Technical Presentation

Issue #1

- | | | |
|---------------------------------------|-------|--------|
| Overall Style and Appearance | _____ | (1-25) |
| grammar (-1/4 point for each error) | _____ | |
| spelling (-1/4 point for each error) | _____ | |
| blue book (-1/4 point for each error) | _____ | |

Total _____

Issue #2

- | | | |
|---------------------------------------|-------|--------|
| Overall Style and Appearance | _____ | (1-25) |
| grammar (-1/4 point for each error) | _____ | |
| spelling (-1/4 point for each error) | _____ | |
| blue book (-1/4 point for each error) | _____ | |

Total _____

Part III - Composite Score
(compute, divide by half and add to individual score)

- 1. Cohesiveness _____ (1-10)
- 2. Persuasiveness of Presentation _____ (1-20)
- 3. Technical Style and Appearance _____ (1-20)
(Deduct, as above, for grammar,
spelling and blue book errors)

Total _____

Part IV - Penalty Points

- 1. Lateness-After _____
 - Oct. 3: 5:00 p.m. - 3 pts.
 - 5:05 p.m. - 6 pts.
 - 5:10 p.m. - 10 pts.
 - Oct. 4: 5:00 p.m. - 20 pts.
- 2. Violation of Brief Dimension Roles _____
 - 5 points per page
 - 10 points for incorrect type
size, page length, print
quality, and spacing

Total Brief Score Issue #1 _____

Total Brief Score Issue #2 _____

Total Composite Brief Score _____
(The average of the above 2 scores)

SCHEDULE OF DAVIS ACTIVITIES

Friday, Sept. 2, 1988	Meeting with all participants, distribution of problem, and assignment of teams.
Friday, Sept. 2, 1988	Best Brief Nominees from previous Davis Competitions placed upon reserve.
Monday, Sept. 5, 1988	Last date for entry into Davis Competition.
Sept. 2-28, 1988	Questions concerning record may be submitted to Moot Court Board.
Friday, Sept. 9, 1988	Last date for switching of briefs to Moot Court Board (See Rules for penalty points for briefs submitted after 5:00 p.m.).
Friday, Sept. 16, 1988	Identification of which individual is addressing which issue.
Monday, Oct. 3, 1988	Briefs due at 5:00 p.m.
Wednesday, Oct. 5, 1988	No briefs accepted after 5:00 p.m.
Oct. 17-23, 1988	Preliminary Rounds.
Friday, Oct. 23, 1988	Announcement of Best Brief Nominees (ALL briefs placed upon reserve).
Oct. 27, 28, 1988	Quarterfinal Rounds
Friday, Nov. 4, 1988	Semifinal Rounds.
Friday, Nov. 11, 1988	FINAL ROUND (Announcement of Best Oral Advocate and Best Brief Award).