

Rules of the 1991 JOHN W. DAVIS MOOT COURT COMPETITION

The members of the Washington & Lee Law School Moot Court Board encourage all eligible students to participate in the John W. Davis Moot Court Competition. The Board runs this competition in order to provide students with an opportunity to do intense research into a particular topic as well as to provide them with a forum in which to participate in appellate-style oral advocacy.

BRIEFS:

(a) A brief consisting of 1 issue will be assigned to each individual participating in the competition. Each individual 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 Tuesday, September 3, 1991, except in cases of exigent circumstances with notification and approval by the Moot Court Board before 5:00 p.m. on Friday, September 6, 1991.

(b) Changing sides is permitted only if another individual can be found who is willing to switch sides. Only for the purposes of writing the brief will an individual be allowed to switch sides. The Moot Court Board must receive written notification of the change before Friday, September 6, 1991 at 5:00 p.m. The written notification must include the individuals' social security numbers and must indicate that both individuals agree to the switch. The notification MUST NOT INCLUDE the individual names of the participants. Each participant is strongly encouraged to brief the side he or she is assigned, and all students will be required to argue both sides during the preliminary rounds.

(c) Each participant is personally responsible for writing the entire brief. All participants must submit their social security number with their names when signing up for the competition in order to keep all review of briefs confidential. BRIEF IDENTIFICATION OF ANY SORT MUST BE MADE ANONYMOUSLY AND BY PARTICIPANTS' NUMBERS AT THE TIME THE BRIEFS ARE DUE. The participant's social security number should be placed on the brief's cover page.

(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. The brief is to be printed on the Laser Printer. There will be a 25 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 participant'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.

(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 participant must deliver an original and four (4) copies of the brief by 5:00 p.m. on Tuesday, October 1, 1991 to the Moot Court Board Room. No briefs should be submitted before 8:30 a.m. Tuesday, October 1, 1991. 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:

Tuesday, October 1, 1991:

5:00 p.m.	3 points
5:05 p.m.	6 points
5:10 p.m.	10 points
5:15 p.m.	15 points

Wednesday, October 2, 1991:

5:00 p.m.20 points

No briefs will be accepted after 5:00 p.m., Thursday, October 3, 1991.

ORAL ARGUMENTS:

(a) Individuals will argue both "on" and "off" brief during the preliminary rounds. Oral arguments shall be limited to a total of fifteen (15) minutes per person. 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 petitioner. Rebuttal is made only by the appellant. Each individual may choose how much time is to be allotted for rebuttal. Rebuttal must be reserved in advance of the presentation of the appellant's oral argument. (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. 7-25) 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 brief by each participant must be his or her own product.

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

(e) 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 3 to September 28, 1991. Questions addressed to individual Board members will be discarded and not answered.

SCORING:

(a) Each participant will receive an individual brief score which will make up 40% of the score used in determining advancement from the preliminary rounds.

(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 as well as 75% from the semifinals to the finals. Oral scores alone will determine the ranking in the final round.

(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. This year the Moot Court Board will offer to critique each participant's brief following the final round on November 15, 1991.

RESULTS:

BRIEFS:

(a) Between three and five briefs will be designated by the Moot Court Board as Best Brief Nominees. 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, Elizabeth Ewert and Scott Butler 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 individual who 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 individual 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 7-25, 1991). The entire Moot Court Board will score the quarterfinal rounds (October 31, November 1, 1991).

(b) A faculty bench will judge the semifinal round on Friday, November 8, 1991.

(c) This year we are privileged to have The Honorable Samuel J. Ervin (Chief Judge of the Fourth Circuit) to judge the final round on November 15, 1991.

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 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, semifinalists and quarterfinalists will be eligible for either, National Moot Court Team, Jessup International Moot Court Team, 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

Individual Number _____ Judge _____
Petitioner _____
Respondent _____

Part I - Substantive Preparation

- | | | |
|--|-------|--------|
| 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

- | | | |
|---------------------------------------|-------|--------|
| 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

- | | | | |
|-------|---|-------|--------|
| 1. | Cohesiveness | _____ | (1-5) |
| 2. | Persuasiveness of Presentation | _____ | (1-10) |
| 3. | Technical Style and Appearance
(Deduct, as above, for grammar,
spelling and blue book errors) | _____ | (1-10) |
| Total | | _____ | |

Part IV - Penalty Points

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

Total Brief Score _____

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ORAL ARGUMENT SCORING SHEET

Name of Counsel: _____

Name of Judge: _____

Date of argument: _____

TOTAL POINTS: _____ (Possible points = 100)

RATING AMONG THOSE ARGUING IN ROUND: _____ 1 2

- | | | |
|---|-------|--------|
| 1. Organization of Presentation | _____ | (1-20) |
| 2. Substantive knowledge | _____ | (1-20) |
| 3. Responsiveness to questions | _____ | (1-20) |
| 4. Manner of presentation
(diction, posture, etc.) | _____ | (1-20) |
| 5. Overall effectiveness | _____ | (1-20) |

Total Oral Argument Score _____

SCHEDULE OF DAVIS ACTIVITIES

Tuesday, Sept. 3, 1991	Meeting with all participants, and distribution of problem.
Friday, Aug. 30, 1991	Best Brief Nominees from previous Davis Competitions placed on reserve.
Thursday, Sept. 5, 1991	Q AND A SESSION ON HOW TO WRITE A BRIEF -- 7:00 p.m. - 8:00 p.m.
Friday, Sept. 6, 1991	Last date for entry into Davis Competition.
Sept. 3 - 28, 1991	Questions concerning record may be submitted to Moot Court Board.
Friday, Sept. 6, 1991	Last date for notifying Moot Court Board of switching of briefs. (See Rules for penalty points for briefs submitted after 5:00 p.m.).
Tuesday, Sept. 17, 1991	Optional Rough Drafts are Due
Tuesday, Oct. 1, 1991	Briefs due at 5:00 p.m.
Thursday, Oct. 3, 1991	Q AND A SESSION ON HOW TO ARGUE
Thursday, Oct. 3, 1991	No briefs accepted after 5:00 p.m.
Oct. 7-25, 1991	Preliminary Rounds.
Friday, Oct. 25, 1991	Announcement of Best Brief Nominees and Quarterfinalists (ALL briefs placed upon reserve).
Oct. 31, Nov. 1, 1991	Quarterfinal Rounds
Friday, Nov. 8, 1991	Semifinal Rounds at 4 and 6 p.m.
Friday, Nov. 15, 1991	FINAL ROUND (Announcement of Best Oral Advocate and Best Brief Award.) Banquet to follow for Quarterfinalists, Best Brief Nominees, Judges and Board Members.