

REGENT UNIVERSITY MOOT COURT BOARD

1000 REGENT UNIVERSITY DRIVE
VIRGINIA BEACH, VIRGINIA 23464

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Competition Website:

<http://www.regent.edu/nationalcompetition>

23rd ANNUAL LEROY R. HASSELL, SR. NATIONAL CONSTITUTIONAL LAW MOOT COURT COMPETITION 2023 RULES

The Leroy R. Hassell, Sr. National Constitutional Law Moot Court Competition is designed to encourage law students with an interest in constitutional law to strengthen their appellate advocacy skills and to foster a continued spirit of kinship among competing teams.

DEADLINES AND DATES:

(All deadlines are 11:59 P.M. EST)

Rules Released: Monday, July 17

Problem Released: Monday, August 15 (Note: The problem will not be released to a team until it is fully registered, which requires full payment. If a school registers two teams but has only paid for one, the problem will not be released to that school until payment is made for both teams.)

Release of Team Briefing Assignments: Monday, August 15

Rule or Problem Clarification Request: Friday, September 15

Brief Grader Information: Monday, September 25

Team Member Information: Monday, September 25

Team Identification Number Released: Monday, October 2

Submission of Briefs: Monday, October 9

Request for Special Oral Argument Accommodations: Friday, October 14

Brief Grader Scores Due: Friday, November 3

Competition Dates: Friday, November 17–Saturday, November 18

1 ADMINISTRATION OF THE COMPETITION AND RESPONSIBILITIES OF PARTICIPANTS

1.1 Administrative Officers: The Moot Court Board of Regent University School of Law (“Board”) hosts the Competition. The Committee of the National Constitutional Law Moot Court Competition (“Committee”), which is comprised of members of the Board, will apply and enforce these rules with due consideration for the teams and the Competition. The National Constitutional Law Competition Director (“Director”) will be responsible for the management of the Competition. The Committee and Director will work with guidance from the Board’s Faculty Advisor. All questions

concerning the Competition must be brought to the attention of the Director as soon as possible at the email address noted above.

1.2 Registration, Payment, and Refund: Each team must submit a registration form containing all required information for the team and school, including the registration fee. The registration form and fee can be submitted online at <http://www.regent.edu/nationalcompetition>. The registration fee is **\$600 per team**, payable online with credit card or with check. The Competition will be limited to the first twenty-four teams to register. A team must submit the registration form and pay the registration fee to be registered. Any registered team that withdraws or is disqualified after registration will receive no refund, except as specified in rule 1.6.

1.3 Eligibility: Each school may register one or two teams. Each team may be comprised of two or three team members. Team members must be current J.D. students in good academic standing at their home institution. In addition, each team may designate one alternate team member. This alternate may stay informed of the team's progress but, as long as the member remains an alternate, may not contribute to brief writing. The alternate also must be explicitly listed as "alternate" in the list of team members. This alternate may assume team member status only pursuant to rule 1.5.

1.4 Team Member Information: Each team must notify the Director of the names of all team competitors and alternate, coaches, brief grader, and primary contact/representative(s) by the deadline noted above. A survey link will be sent to teams via the email provided in the registration form.

1.5 Alternate/Substitution: The alternate may be substituted for a team member only for good cause, such as severe illness or other similar extenuating circumstances. A team must obtain approval from the Director to substitute a team member after the problem is released. The alternate may not assist the team in its preparation of the brief unless and until substituted for a team member. If a substitution is made before the brief is turned in, the substituted team member may not provide any further assistance on the brief after the substitution is made.

1.6 Withdrawal for Emergency: A registered team that withdraws will be eligible for a refund only for an emergency, such as the team is incapacitated, the team's school has barred the team from competition due to no fault of the team members, etc. In any such situation, the team must notify the Director as soon as possible, and the Board will determine if a refund is warranted. Any team that fails to withdraw in accordance with this rule will forfeit its preliminary rounds, unless there is sufficient time to adjust the schedule in a way that is fair to other affected teams.

1.7 Team Number/Identification: The Director will designate a team number for each team. This number will serve as the sole method of identifying the team during the Competition, including on the brief. Participants may not divulge the names of their law schools directly or indirectly to the judges until after the completion of the Competition.

1.8 Team Representative: Each team must designate one representative to whom information may be sent, and with whom questions and concerns may be discussed, and provide contact information for the representative, including email address and cell phone number. This designation must occur at the same time that team members are registered pursuant to Rule 1.4. The representative must inform the Director of any changes to the school's contact information.

1.9 Clarifications of Rules or Problem: Requests for information or Rule or Problem clarifications must be sent to the Director by e-mail by the deadline noted above. The Director, with the assistance

of the Committee and the Faculty Advisor, will issue a clarification of the Rules or Problem promptly to all teams via e-mail. In the event of an ambiguity in or conflict over the Rules, any interpretation provided via e-mail by the Director will govern.

1.10 Modification or Waiver of Rules: The Committee has the discretion to modify or waive any of these Rules as extraordinary circumstances may warrant, after consulting with the Faculty Advisor. Any such modifications or waivers will be communicated to all teams as soon as possible.

1.11 Awards: The awards ceremony will include announcements of the top 5 briefs, the top 5 oralists from the preliminary rounds, and the teams that advance to the Elimination Rounds.

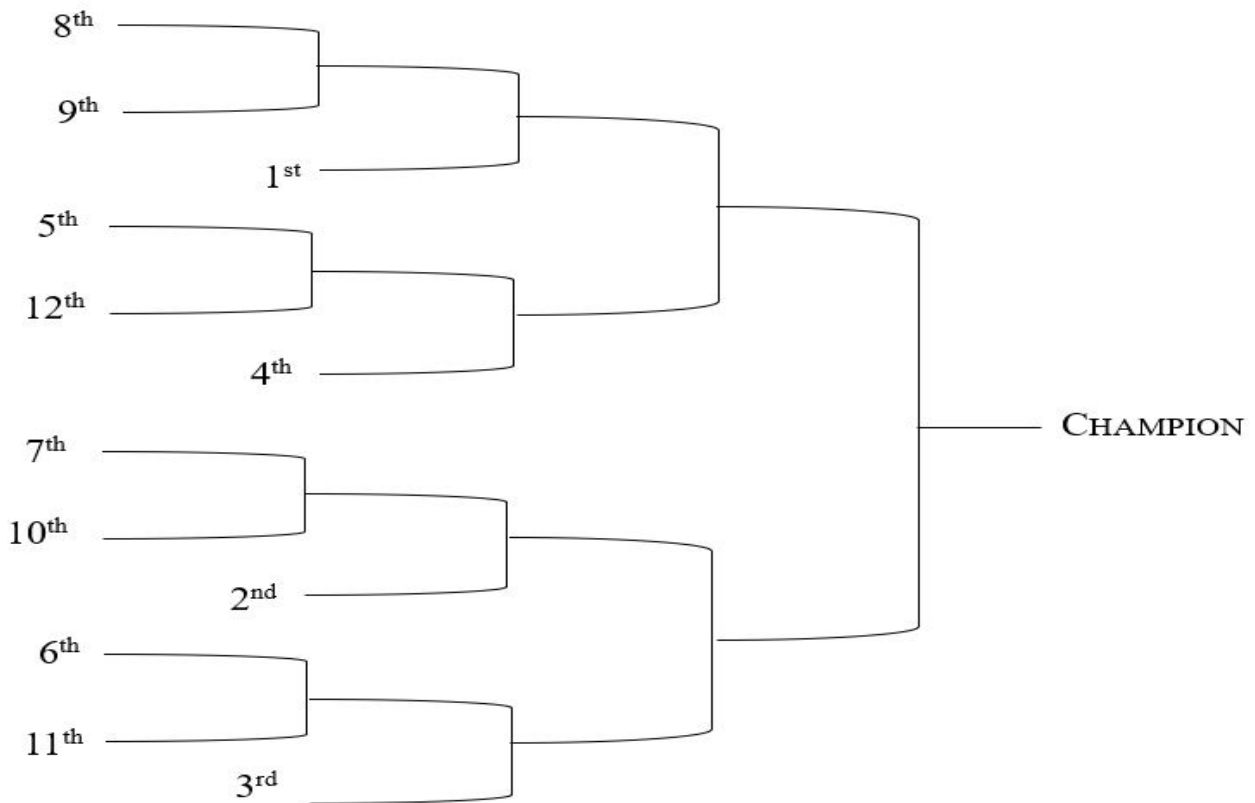
2 COMPETITION FORMAT

2.1 Preliminary Rounds: Each team will argue two preliminary rounds. The pairings for preliminary rounds will be released to the teams on or before the Monday of the week of the competition. Teams will be power seeded by brief score, with teams in the top half of the brief scores randomly paired against teams in the bottom half of the brief scores for each preliminary round. Teams will not be paired against the same team twice or against another team from the same school during the preliminary rounds. Each team will argue both sides in the preliminary rounds.

2.2 Procedure if an odd number of teams register: Two "bye" teams will argue in a supplemental round between the first and second preliminary rounds. The two teams will be the team with the middle brief score and the team with the score immediately below the middle score. The bye team with the middle score will receive a bye in the first preliminary round, and the team with the lower brief score will argue Petitioner in that round. The team with the lower brief score will receive a bye in the second preliminary round, and the team with the middle brief score will argue Respondent in that round. The two bye teams will argue in a supplemental round between the first and second preliminary rounds and will argue the opposite sides assigned above.

2.3 Elimination Rounds: The top twelve seeds will advance from the preliminary rounds to the elimination rounds. Teams will be seeded after the preliminary rounds by a combination of win/loss record and cumulative margin of victory. The teams will be power seeded by ranking. The top four seeds will receive a bye to the Quarter-final Round, resulting in the following bracket for the elimination rounds (the brackets will not be adjusted to avoid a pairing of two teams from the same school):

Bracket



2.4 First Elimination Round: The pairings for the First Elimination round will be as noted in the bracket above. The higher seeded team will call a coin toss to choose which side to argue. However, if teams paired in this round argued against each other in a preliminary round, they must argue the side opposite of what was argued in the preliminary round.

2.5 Quarter-final Round: The four prevailing teams in the First Elimination Round will advance to the Quarter-final Round against the top four seeds and will be paired as noted in the bracket above. The higher seeded team will call a coin toss to choose which side to argue. However, if teams paired in this round argued against each other in a preliminary round, they must argue the side opposite of what was argued in the preliminary round.

2.6 Semi-final Round: The four prevailing teams in the Quarter-final Round will advance to the Semi-final Round and be paired as noted in the bracket above. The higher seeded team will call a coin toss to choose which side to argue. However, if teams paired in this round argued against each other in a preliminary round, they must argue the side opposite of what was argued in the preliminary round.

2.7 Final Round: The two prevailing teams from the Semi-final Round will advance to the Final Round. The higher seeded team will call a coin toss to choose which side to argue. However, if teams paired in this round argued against each other in a preliminary round, they must argue the side opposite of what was argued in the preliminary round.

3 BRIEFS

3.1 Side Briefed, Contents, and Format: One half of teams will be assigned to brief Petitioner, the other half will be assigned to Respondent. Teams from the same school will be assigned to brief opposite sides of the issue. Briefs (both for Petitioner and Respondent) shall contain only the following components in the following order: Cover Page, Table of Contents, Table of Authorities, Questions Presented, Statement of the Case, Summary of the Argument, Argument, Conclusion, and signature block. Appendices may be used only to report the content of statutes, constitutions, and regulations not generally available. Briefs shall follow, in all aspects, the format prescribed for briefs by the Rules of the United States Supreme Court, except as otherwise specified by these Rules.

3.2 Identification: Only the team's assigned number and team designation (i.e., Counsel for the Petitioner or Respondent) may be used to identify counsel on the brief, which must not include information identifying the team members or school.

3.3 Citation of Authorities: All citations must conform to the most recent edition of The Bluebook: A Uniform System of Citation.

3.4 Font: Briefs must be submitted in 12-point Times New Roman font.

3.5 Length: Briefs may not exceed thirty pages. Any partially filled page will be counted as a page. The page limit does not include the cover page, Questions Presented, Table of Contents, Table of Authorities, signature block, or appendices.

3.6 Page Size and Margins: Each page of the brief must be 8.5 in. x 11 in. There must be one-inch margins on the top, bottom, left and right of each page. The page number is not included in this margin requirement.

3.7 Spacing: Typed matter must be double-spaced except for Questions Presented, table entries, footnotes, argument headings, and block quotations that comply with The Bluebook, which must be single-spaced.

3.8 Record Citations: Citations to the Record should be in the following format: R. at 3. No parentheses should be placed around the record cite. If parentheses are placed around the Record cite the team will be penalized in their citation score. The use of "id." when citing to the record is allowed. The bluebook scoring rubric that will be used for brief scoring is included in these rules as an Appendix.

3.9 Submission and Distribution: Each team must submit one electronic copy of its brief in PDF format to mootcourt@mail.regent.edu by the deadline noted above. If a team fails to properly serve its brief under these rules, the date of service will be considered the date the brief is properly received. All team briefs will be posted at <http://www.regent.edu/nationalcompetition> at least a week before the first preliminary round.

3.10 Certification: Each team submitting a brief must certify that the team members and coaches have read and understand the rules of the Competition, the brief has been prepared in accordance with the Rules of the Competition, and the brief represents the work product solely of the team's members. This certification must be submitted with the brief through the link for brief submission.

3.11 Brief Grader and Scoring: Each brief will be anonymously graded by graders provided by participating teams. Each participating team must select one full-time faculty member or instructor, adjunct faculty member or instructor, or licensed attorney with at least two years' practice and/or judicial clerkship experience, to serve as a brief grader. Teams must select brief graders who are knowledgeable and capable brief writers and who will score briefs fairly and professionally. The brief grader may not be affiliated with members of the school's team(s) and may not moot teams or discuss the problem with team members or coaches. Each brief grader should expect to score five briefs. A school that sends more than one team must designate one brief grader per team or certify that one brief grader will score five briefs for each team registered (ten total). Each team must notify the Director by the deadline noted above of the name and email address of its brief grader. Each grader will evaluate the briefs using the score sheet attached to these Rules. The brief grader will receive the briefs they are assigned to grade no later than two weeks before the brief scores are due. Brief graders must submit the brief score sheets to the Director by the deadline noted above. If a brief grader has not turned in the score sheets by the deadline, a Regent faculty member will grade those briefs, and the team that designated the brief grader will be penalized as noted in Section 10 below. A brief grader who evidently did not score the briefs individually (e.g., scores all briefs exactly or essentially the same) will be considered to not have turned in the scores on time. Because the team will be penalized in accordance with Rule 10.2 for the brief grader not scoring briefs properly or on time, it is imperative that each team select a trustworthy brief grader who understands the possible penalties for not properly scoring briefs. Each brief will be scored by five graders. The brief score will be the average of the three middle scores, i.e., the highest and the lowest of the five scores will be dropped.

3.12 Plagiarism: Teams may research and review, but not copy, any relevant legal source except as noted in Rule 8.4. The Director will review and have access to relevant sources that involve the issues in the problem and will check the teams' briefs for plagiarism (e.g., including, but not limited to, copying or failing to properly attribute a source). Plagiarism will result in a penalty up to disqualification. See Rule 10.2.

4 ORAL ARGUMENT

4.1 Schedule: The Director will determine the schedule for each preliminary round and will notify each participating team of the schedule before and during the Competition. The times for rounds will be provided on the competition website at <http://www.regent.edu/nationalcompetition>.

4.2 Time Allocation: Each team will be limited to thirty minutes of oral argument per round divided between two oralists. Each oralist must be allocated a minimum of twelve minutes per round to argue. Each team must communicate to the Bailiff prior to the beginning of the argument, how they wish to allocate their thirty minutes between advocates and for rebuttal.

4.3 Rebuttal: The Petitioner must ask the Chief Justice's permission for rebuttal, which is not reserved by communication with the Bailiff. Rebuttal will be waived if this request is not made to the Chief Justice. The Petitioner team may reserve up to five minutes for rebuttal. The Chief Justice has the discretion to allow additional time for the advocate's response on rebuttal. Only one advocate may present rebuttal. It is not necessary to designate in advance who will give rebuttal. Respondent may not present a rebuttal.

4.4 Communications During Rounds: Competitors may communicate only with their partner, judges, and the Bailiff, and thus may not communicate with coaches, the third team member, or anyone else, during a round.

4.5 Challenge: A challenge to a round may be made only for rule violations or serious misconduct by a competitor or unprofessional behavior by a judge (e.g., acknowledging knowing a competitor, falling asleep or not paying attention during a round, etc.). A challenge must be made by a competitor or coach to the Bailiff within 10 minutes of the conclusion of the round. Any challenge submitted after 10 minutes of the conclusion of the round is waived.

5 ROUND SCORING

5.1 All Rounds Except Final: For all rounds other than the final, the scores of the teams will be computed by weighing the oral argument two-thirds (66.67%) and the brief one-third (33.33%). Each individual competitor's oral score will be the average of the scores assigned to that competitor by the members of the judging panel. The team's brief score will be added to the oral score of each competitor, and thus each round is worth a total of 300 points per team.

5.2 Scoring and Critique: Each judge will evaluate each advocate on a one-hundred-point scale using the score sheet attached as an Appendix to these rules. At the conclusion of each round, the judges may offer brief comments to each of the competitors addressing only stylistic or non-substantive issues. The Bailiff will inform the judges of time limitations for this critique and will track time to ensure that rounds remain on schedule.

5.3 Tie: A tie that exists after the oral argument and brief scores are tabulated in any round other than the final will be broken in the following sequence: (1) the team that won the majority of the oral argument judges' ballots; (2) the team with the higher brief score. If in a preliminary round these methods do not differentiate the teams, the round shall be considered a tie. In other rounds, if these methods do not differentiate the teams, the higher seed will be considered the winner.

5.4 Seeding: For seeding, a team's margin of victory will be calculated by subtracting the losing team's point total from the winning team's point total. If a tie occurs, the winning team will be decided in accordance with paragraph 5.3 above and will be given a margin of victory of zero.

5.5 Final Round: For the final round, the judges will submit scoresheets for the advocates. The team that wins the majority of the judges' ballots will win the competition. A tie on the ballots will be broken in the following sequence: (1) total score in the final round; (2) brief score; (3) higher seeded team.

5.5 Access to Scores: Teams and coaches will not have access to judges' scoresheets or scores.

6 IDENTITY OF LAW SCHOOLS

6.1 Non-Disclosure: The identity of the law schools represented by the participating team members may not be revealed by the teams to the judges at any time before the completion of the Competition. Participants may not display any school-labeled paraphernalia during the Competition.

6.2 Duty to Disclose Conflict: Team members and coaches must notify the Director or Bailiff immediately if they know a judge before whom the team is slated to argue. Failure to do so will result in the team losing the round and may result in the disqualification of the team from the Competition. With the exception of the Final Round, the Director will, if possible, reassign judges to avoid any conflict identified by a judge or by a team.

7 AWARDS

7.1 Awards Provided: At the awards ceremony following the second preliminary round, awards will be given for the Best Brief, with honorable mention of the other top five briefs, and Best Oralist from the preliminary rounds, with honorable mention of the other top five oralists.

7.2 Eligibility for Oralist Award: An advocate must argue both preliminary rounds to be eligible to rank as a top oralist.

8 ASSISTANCE

8.1 Brief: Teams may not receive any assistance of any kind from anyone else, including from their coach, team alternate, or members of another team from the same school, in preparing the Brief, which must be the sole work product of the team members only.

8.2 Oral Argument: After the brief is filed, teams may receive assistance in preparing oral arguments.

8.3 During Rounds: During oral argument, a speaker may receive assistance only from the co-counsel arguing the other issue, and not from anyone else, including a coach or third teammate. Communication between oral advocates must occur only when the other team is arguing.

8.4 Review of Briefs Prohibited: Prior to turning in briefs, competitors may not read or review any brief filed in any court or moot court competition related to the issues in this competition.

9 CONDUCT

9.1 General Standard; Scouting Prohibition: The conduct of all participants, including team members and coaches, will be governed by the ABA Model Code of Professional Responsibility and the ABA Model Rules of Professional Conduct. Scouting is prohibited. No team member still participating may attend the argument of any other school or team, including another team from the same school, or receive information from any person who has attended an argument of any other school or team. Any team found to have scouted will be disqualified from the Competition.

9.2 Attendance: During the preliminary rounds, only team members and one coach may attend a round for a team. Guests may attend elimination rounds, but during the argument, they must be quiet and not interact with any competitors or coach.

9.3 Coaches of Two Teams: In the event that a school sends more than one team with only one coach, the coach may attend the arguments of both teams. However, the coach and team members may not discuss a round with the school's other team until both teams are no longer competing.

9.4 Lateness: All rounds will begin no later than the scheduled time. A team member who is not present when a round is scheduled to begin will receive zero oral argument points for the round.

10 PENALTIES

10.1 General Standard: The Board may assess such penalties, including disqualification, as it deems reasonable and appropriate for failure to comply with the Rules.

10.2 Specific Penalties: Specific penalties which shall be assessed include, but are not limited to:

- A range of a minimum of ten (10) points on the average brief score to a maximum of disqualification for plagiarism of the brief.
- Ten (10) points on the average brief score for both teams from the same school briefing the same side.
- Ten (10) points on an oral advocate's average score for failure to allocate at least 12 minutes for that advocate's argument.
- Three (3) points on the average brief score for failure of a team's designated brief grader to submit scores by the due date.
- Two (2) points per calendar day on the average brief score for late or improper service of the brief, with a maximum of ten (10) points.
- Three (3) points on the average brief score for failure to submit the Certification required by Rule 3.10.
- Two (2) points per calendar day on the average brief score for failure to designate a brief grader by the due date, with a maximum of ten (10) points.
- Forfeiture of a round for a team's disclosure of its school before or during the round to a judge of that round.
- Unless otherwise explicitly stated in Section 9, any infraction of the rules in Section 9 will result in a loss of five (5) points from a team's overall score in the round in which the infraction occurs.
- The Director, upon consultation of the Board's Faculty Advisor, reserves the power to impose any reasonable and equitable penalty, up to disqualification, for violations of any rules for which a specific penalty is not stated above.

APPENDIX 1
BRIEF SCORE SHEET

BRIEF LETTER:

NAME OF JUDGE:

BRIEF ATTRIBUTES	CRITERIA	POINTS POSSIBLE	POINTS GIVEN
Cover	Does the cover include all proper information?	(1) 0 - No 1 - Yes	
Table of Contents	Does the table list all sections in the brief in proper order and is it neatly organized?	(2) 0.5 - Poor 1 - Acceptable 1.5 - Good 2 - Excellent	
Table of Authorities	Are the citations sensibly arranged (separating decision by court and further separating Constitutional provisions, statutes, and secondary sources)?	(5) 2 - Poor 3 - Acceptable 4 - Good 5 - Excellent	
Questions Presented	Are the issues adequately described before the court? Are the issues phrased such that the answer naturally favors the party propounding them?	(5) 2 - Poor 3 - Acceptable 4 - Good 5 - Excellent	

Statement of the Case	Are the essential facts stated in as favorable a way as possible without leaving out material facts? Is the statement accurate?	(5) 2 - Poor 3 - Acceptable 4 - Good 5 - Excellent	
Summary of the Argument	Does this section provide a concise and persuasive summary of the arguments in the Argument?	(5) 2 - Poor 3 - Acceptable 4 - Good 5 - Excellent	
Argument Structure	Is the structure logical and indicative of the issues? Are the arguments organized in a clear and persuasive manner? Do the arguments flow logically, compelling a conclusion in the writer's favor? Was the Argument, including both the headings and text, persuasively written?	(15) 6 - Poor 9 - Acceptable 12 - Good 15 - Excellent	
Identification of Issues and Use of Authority	Have the leading cases been used? Do the authorities support sound legal analysis? Have persuasive secondary authorities been used? Has there been an excessive reliance on secondary materials? Have policy arguments been developed when appropriate? Has the brief appropriately analyzed analogous cases? Have the cases and authorities been used as effectively as possible? Has the brief distinguished unfavorable cases and important authorities?	(30) 12 - Poor 18 - Acceptable 24 - Good 30 - Excellent	

Overall Appearance, Style & Persuasiveness	Evaluate the overall neatness of the typing and physical presentation. Is the brief clear and unambiguous? Does the brief look polished from re-drafting and re-writing? Has there been appropriate (not excessive) use of quotations? Has the brief effectively used the allotted space?	(20) 8 - Poor 12 - Acceptable 16 - Good 20 - Excellent	
Conclusion and Signature	Does the brief contain a proper conclusion statement and signature block?	(1) 0 - No 1 - Yes	

FINAL SCORE (out of 90 possible points): _____

Do not score citation form, which will be scored by another grader on a 10-point scale, with the citation score added to your score. You must submit this score sheet via EMAIL to mootcourt@mail.regent.edu by the date indicated in the email transmitting the briefs to you. Your failure to turn scores in on time will result in a penalty to the team that designated you to serve as a brief grader.

APPENDIX 2

BLUEBOOK SCORING RUBRIC

Tallying Errors

- Graders of the bluebook portion of the brief must keep track of the total number of citations in each brief, including those in the tables. Graders should write the total number of citations on each page in the bottom corner of that page, and then add all of these together for the total number of citations in the brief.
- Graders must also keep track of the total number of incorrect citations in the brief. Each citation is either all correct (no mistakes at all) or is counted as incorrect. Therefore, a single citation is counted as incorrect regardless of whether there is only one error or instead five errors in that individual citation. Graders should record the number of correct citations on a page in the bottom corner of the page above the total number of citations on that page.
- If the same citation error is made repeatedly, the citations are tallied as incorrect each time.

Calculating the Final Score

- Brief graders will simply fill in the numbers and complete the equation below:

**Total # citations = Number of correct citations = Number of correct
citations divided by total (correct # / total #) = Final score out of ten
points (percentage x 10) =**

APPENDIX 3

Oral Argument Score Sheet

Regent University School of Law							
2022 Leroy R. Hassell, Sr. National Constitutional Law Moot Court Competition							
Round	Room	Time	Judge	Appellant 1	Appellant 2	Appellee 1	Appellee 2
<u>Opening Arguments: 5 points possible</u> Effective statement of facts and issues.				of 5	of 5	of 5	of 5
Poor 2	Acceptable 3	Good 4	Excellent 5				
<u>Knowledge of Briefs and Record: 25 points possible</u> Knowledge of content, authority(s) cited, issues handled, and arguments raised.				of 25	of 25	of 25	of 25
Poor 10	Acceptable 15	Good 20	Excellent 25				
<u>Organization of the Argument: 25 points possible</u> Presentation of points, emphasis on points, time management, and argument effectiveness.				of 25	of 25	of 25	of 25
Poor 10	Acceptable 15	Good 20	Excellent 25				
<u>Answering Questions: 25 points possible</u> Ability to answer questions, think on feet, and resume thread of argument after interruption.				of 25	of 25	of 25	of 25
Poor 10	Acceptable 15	Good 20	Excellent 25				
<u>Extemporaneous Ability: 15 points possible</u> Ability to speak without notes or with unobtrusive notes, speaking voice, poise, gestures, mannerisms, and courtroom etiquette.				of 15	of 15	of 15	of 15
Poor 6	Acceptable 9	Good 12	Excellent 15				
<u>Closing Arguments: 5 points possible</u> Effective summary of the argument and conclusion.				of 5	of 5	of 5	of 5
Poor 2	Acceptable 3	Good 4	Excellent 5				