15TH ANNUAL LEROY R. HASSELL, SR. NATIONAL CONSTITUTIONAL LAW
MOOT COURT COMPETITION

2015 RULES

On Friday, October 16, 2015, and Saturday, October 17, 2015, the Moot Court Board of Regent University School of Law (“Board”) will host the Leroy R. Hassell, Sr. National Constitutional Law Moot Court Competition. This 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. The Competition is limited to thirty-two teams, and there is a limit of two teams per school. In the event that there are not thirty-two teams registered, registered schools will be given the option of registering a third team.

1 ORGANIZATION OF THE COMPETITION AND RESPONSIBILITIES OF PARTICIPANTS

1.1 The Committee of the National Constitutional Law Moot Court Competition (“Committee”), which is comprised of certain 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, Professor Tessa Dysart. All questions concerning the competition must be brought to the attention of the Director, J. Palmer Horst, as soon as possible at 410.306.5890 or johnho2@mail.regent.edu.

1.2 Each team wishing to participate in the Competition must submit a registration form containing all required information for the team and school, including the registration fee. The registration form can be submitted online at http://www.regent.edu/nationalcompetition.

1.3 Each team will be comprised of two or three team members. Team members must be registered law students seeking the Juris Doctor degree and in good academic standing at their home institution. No team member may have completed the Juris Doctor degree prior to March 31, 2016.
1.4 Each team must designate one representative to whom information may be sent and with whom questions and concerns may be discussed. That representative must inform the Director of any changes to a school’s contact information.

1.5 Teams that register on or before August 1, 2015 will pay $500 for the first team and $400 for the second team. Teams that register after August 1, 2015 will pay $600 for the first team and $500 for the second team.

1.6 The awards banquet on October 17, 2015 will cost $30 per attendee and must be paid by August 28, 2015.

1.7 Each Team must notify competition director at johnho2@mail.regent.edu, of names of competitors for each team, including the brief writer, no later than Friday, September 4th, by 6pm.

2 DISTRIBUTION OF THE RULES AND RECORD }

2.1 A copy of the Competition Problem and the Competition Rules will be available, by August 5, 2015, on the Hassell Competition Web site at http://www.regent.edu/nationalcompetition.

3 THE COMPETITION

3.1 ROUNDS

3.1.1 Preliminary Rounds – The Competition will be held on two consecutive days. Each team will argue a minimum of four preliminary rounds. The pairings for all the preliminary rounds will be created approximately two weeks before the competition and sent to the teams. Each team will argue on-brief twice and off-brief twice. Teams will be power seeded based on their brief score. Teams in the top half of the brief scores will be randomly paired against teams in the bottom half of the brief scores for each of the preliminary rounds. Pairings will be altered to avoid teams having the same pairing twice in the preliminary rounds, and to avoid teams from the same school being paired together in the preliminary rounds. The Board will use the following procedure in the event that an odd number of teams compete: four teams will be randomly selected by a neutral party. The teams selected will receive a “bye” in one of the four preliminary rounds. The team with the bye in the first preliminary round will argue against the team with the bye in the second preliminary round, and the team with the bye in the third preliminary round will argue against the team with the bye in the fourth preliminary round. These arguments will be held on the evening of Friday, October 16, 2015, after the completion of the first three preliminary rounds. These arguments will count as each of the four selected teams’ fourth preliminary round. Pairings will be altered to prevent teams from the same school from meeting before the Final Round.
3.1.2 Quarter-final Rounds – The eight highest seeded teams will advance to the Quarter-final Round. Teams will be seeded after the preliminary rounds by win/loss record and cumulative margin of victory. The highest seeded team will be paired against the lowest seeded team (i.e., 1 vs. 8, 2 vs. 7, 3 vs. 6, and 4 vs. 5). However, the pairings will be altered to prevent two teams from the same school from meeting before the Final Round of the Competition. If this happens, teams will be seeded as close to their natural seeding as possible. Twenty minutes before the Quarter-final Round begins, a representative from each team must meet the Director to determine what team will argue which side in the Quarter-final Round. The higher seeded team will be given the opportunity to choose the side they will argue for the round.

3.1.3 Semi-final Rounds – The four prevailing teams in the Quarter-final Round will advance to the Semi-final Round. The winner of 1 vs. 8 will go against the winner of 4 vs. 5, and the winner of 2 vs. 7 will go against the winner of 3 vs. 6. However, the pairings will be altered to prevent two teams from the same school from meeting before the Final Round of the Competition. Twenty minutes before the Semi-final Round begins, a representative from each team will meet the Director to determine which team will argue which side in the Semi-final Round. The higher seeded team will be given the opportunity to choose which side they will argue for the round.

3.1.4 Final Round – The two prevailing teams from the Semi-final Round will advance to the Final Round. The higher seeded team will be given the opportunity to choose which side they will argue in the Final Round. The winner of the Final Round will be determined by the judges of the Final Round, solely on the basis of the Final Round oral argument performances of the teams participating in the Final Round. There will be no numerical scoring of the final round. In the event of an even-numbered judge panel during the Final Round of the Competition, prior to the beginning of the round, the Director will randomly exclude one judge’s ballot to eliminate the possibility of a tie. This random selection will not be disclosed to anyone.

3.2 TEAMS

3.2.1 Each team will consist of two or three student members. Team members must be students enrolled in a full or part-time program in the school that they represent. Only candidates for a Juris Doctor degree may participate in this Competition. All team members may contribute to the writing of the brief and may present oral arguments. All three team members may sit
at counsel table.

3.2.2 Team members may not be substituted; except for good cause, such as death, severe illness, or other similar extenuating circumstances. A team must obtain approval of the Director to substitute a team member after the brief is filed. No substitutions are allowed once the Competition begins.

3.2.3 Each team will be assigned a letter by the Director prior to its arrival at the Competition. This method will be the sole method of identifying the teams during the oral competition. Participants may not divulge the names of their law schools directly or indirectly to the judges until after the completion of the Competition.

4 SIDE DESIGNATION

4.1 The Director will designate a briefing side and a team letter for each team when the problem is released (or as soon as a team registers, if thereafter). Teams must submit a brief for the side designated by the Director. If a school enters two teams, the Director will designate the teams to brief opposite sides.

5 BRIEFS

5.1 FORMAT

5.1.1 Subject to the Rules of this Competition, briefs must comply with the Rules of the Supreme Court of the United States except for Rules 24.2, 24.3, and 24.4. Supreme Court Rule 33 should be followed only with regard to the preparation of the brief cover.

5.1.2 One original brief must be filed in accordance with 5.2.2 and must include on its cover the name and address of the school, as well as the names of the team members. One electronic copy of the brief must also be filed in accordance with 5.2.1 and must include on its cover only the team’s assigned letter and team designation (i.e. Attorney for the Petitioner) and must not include information identifying the team members or school.

5.1.3 All citations must conform to the most recent edition of A Uniform System of Citation published by Harvard Law Review Association (commonly known as “The Bluebook”).

5.1.4 Briefs must be submitted in 12-point Times New Roman font.

5.1.5 Briefs may not exceed thirty-five pages. Any partially filled page will be counted as a full page. The page limit does not include the cover page, questions presented, table of contents, table of authorities, or the
appendices.

5.1.6 Any process that produces a clean, black image on white paper may be used for the brief. All briefs must be bound on the left by coiling or a similar bookbinding method. The paper size must be 8 1/2” x 11”.

5.1.7 There should be one-inch margins on the top, bottom, left and right of each page. The page number is not included in this margin requirement.

5.1.8 Typed matter must be double-spaced; except issues presented, table entries, footnotes, argument headings, and block quotations (used only in accordance with The Bluebook) may be single-spaced.

5.1.9 Cites to the Record should be in the following format: R. at 3. No parenthesis should be placed around the record cite. If parentheses are placed around the Record cite the team will be penalized in their citation score.

5.1.10 A bluebook scoring rubric is included at the end of this document.

5.2 SERVICE OF BRIEFS

5.2.1 Each team will submit one electronic copy of its brief via e-mail to the following address: johnho2@mail.regent.edu by Monday September 14, 2015 by 6 p.m. EST. The brief must be submitted as one PDF document. No other format will be accepted. The accompanying e-mail must contain the team’s designated letter, the name of the law school, and the team members’ names. The electronic copy will be posted to the National Competition Web site by Thursday, October 1, 2015 at http://www.regent.edu/nationalcompetition.

5.2.2 Each team must serve one bound original of its brief upon the Committee. The Committee must receive the brief by Monday September 28, 2015. To ensure timely delivery, overnight delivery services, certified mail, or hand delivery may be used. The brief served upon the Committee should be sent to: Regent University Moot Court Board, Attn: J. Palmer Horst, Hassell National Competition Director, 1000 Regent University Drive, Virginia Beach, Virginia 23464.

5.2.3 If a team fails to properly serve its brief under these rules, the date of service will be considered the date the brief is received. The penalty for late service of briefs is five points per day that the brief is late.
5.3 **BRIEF CERTIFICATES**

5.3.1 Each team submitting a brief in the Competition must certify that the brief has been prepared in accordance with the Rules of the Competition and that it represents the work product solely of the team’s members. The certificate must be submitted simultaneously with the hardcopy brief but must not be affixed, bound, or otherwise inserted into the brief. A sample certification form can be found in Appendix 1.

5.4 **BRIEF SCORING**

5.4.1 Each brief will be “blind graded” by graders provided by participating teams. Each participating team must select one full-time faculty member or instructor, or an adjunct faculty member or instructor with at least five years’ practice experience, to serve as a brief grader. A school that sends two teams must designate two brief graders, one for each team. Each team must notify the Director by 6:00 p.m. EST, Friday, September 11th, 2015 of its brief grader and provide his or her contact information. The brief grader’s name and contact information must be e-mailed to the Director at johnho2@mail.regent.edu. Failure to provide a brief grader by the designated date and time will result in the loss of two points per day from the team’s total brief score. Each judge will evaluate the briefs using the score sheet that is attached to these Rules. Team faculty advisors or other persons directly associated with the Moot Court program are not eligible to serve as brief graders. Brief graders may not judge practice rounds or otherwise discuss the problem with the participants or their coaches. Brief graders can expect to grade up to five briefs each. The brief graders should receive a copy of the briefs they are to grade no later than Friday September 18, 2015 and must email the graded brief score sheet to johnho2@mail.regent.edu no later than Wednesday September 30, 2015 by 6pm EST. Failure to turn in brief score sheets on time will result in a 10 point deduction from the team’s briefs for each day it is late. If a brief grader has not turned in the graded brief score sheets by Friday October 2, 2015 by 6pm, the briefs will be graded by a Regent faculty member who will not know the identity of the brief writers, and the team that designated the brief grader will receive an automatic 50 point deduction from their total brief score. A brief grader who evidently did not score the briefs individually (e.g. who gives all briefs a score of 75) will be considered to not have turned in the brief scores on time. Grading will be anonymous, with each brief identified only by its team letter designation.

6 **ORAL ARGUMENTS**

6.1 The Competition will be held at Regent University School of Law, Robertson Hall, 1000 Regent University Drive, Virginia Beach, Virginia 23464. The Director will determine the time and room number for each preliminary round of
arguments and will notify each participating team of this information before and during the Competition.

6.2 **FORMAT OF THE ORAL ARGUMENT**

6.2.1 Each team will be limited to thirty minutes of oral argument per round divided between two oralist advocates. Each oralist must be allocated a minimum of twelve minutes for argument. The team for the Petitioner in each round is responsible for communicating to the bailiff, prior to the beginning of the argument, how it wishes to allocate its thirty minutes between advocates and for rebuttal. The Petitioner will also be solely responsible for asking the Chief Justice’s permission to take rebuttal. Rebuttal is not reserved simply because the Petitioner tells the bailiff he or she wants it. The team for the Petitioner may ask to reserve up to five minutes for rebuttal. The Chief Justice has the discretion to allow additional time for the advocate’s response.

6.3 **SCORING**

6.3.1 The scores of the teams will be computed for each of the preliminary rounds by weighing the oral argument two-thirds (66.67%) and the brief one-third (33.33%). In the Quarter-final, Semi-Final, and Final Rounds a simple majority of the judges determines the winner.

6.3.2 Each individual competitor’s score will be the average of the scores assigned to that competitor by the members of the judging panel in any of the four preliminary rounds in which that competitor has argued.

6.3.3 The Committee will select members of the bench and bar to serve as oral argument judges. Each judge will evaluate each advocate on a one-hundred point scale using the score sheet that is attached to these rules. At the conclusion of each of the four preliminary rounds, the judges may offer brief comments to each of the competitors addressing only stylistic or non-substantive issues. No comments will be given at the end of the Quarter-final or Semi-final rounds.

6.3.4 If a tie exists after the oral argument and brief scores are tabulated, the team winning the oral argument portion will be declared the winner of the round. If there is still a tie, the team that won the majority of the judges’ ballots will be declared the winner of the round.

6.3.5 For the purposes of 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 6.3.4 above and will be given a margin of victory of zero.
7 IDENTIFY OF LAW SCHOOLS

7.1 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.

7.2 A team member or coach must notify the Director immediately if he knows a judge before whom he 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.

7.3 The Director will reassign judges to avoid any conflict identified pursuant to 7.2 or any conflict identified by a judge. Judges will not be reassigned to avoid a conflict in the Final Round.

7.4 The penalty for disclosure of the team’s law school is five points assessed against any team whose member states the name of the team’s law school in front of a judge or during an oral argument. Participants are cautioned against using bags, binders, or any other school-labeled paraphernalia during the Competition weekend.

8 GUIDELINES FOR GRADING BRIEFS AND JUDGING ORAL ARGUMENTS

8.1 The problem, a bench memorandum, and a copy of these Rules will be provided for the use of those grading team briefs and judging oral arguments.

9 ANNOUNCEMENTS AND AWARDS

9.1 The team that wins the Final Round will be designated the Champion. The top four teams, top two Petitioner briefs, top two Respondent briefs, and overall brief winner as well as the top five oralists will be announced and receive awards at the banquet following the Final Round.

9.2 All participants and judges are invited to attend the banquet. To attend the banquet, each team must pay the required fee in advance on the website.

9.3 The winning team will be designated the Champion based on its performance in the Final Round. Oralist awards will be based on advocates’ average score in the preliminary rounds. An advocate must argue twice in the preliminary rounds to be eligible to receive an oralist award. Brief awards will be based on the average of the judges’ “blind grading” of the briefs prior to the Competition. Scoring of the oral arguments and brief will be on a scale of zero to one hundred points.
10  FACULTY AND OTHER ASSISTANCE

10.1 The Brief must be the sole work product of the team members only. If a school has more than one team competing, the teams may not assist each other in preparing the brief, and thus cannot consult each other in the development of arguments until after the brief is submitted.

10.2 After the brief is filed, participants may have limited assistance from non-team members. Teams from the same school may practice together and assist in preparing arguments. Non-team members may judge practice arguments and provide critiques of style and a general discussion of the substantive issues.

10.3 At the Competition, during oral argument, a speaker may only receive assistance from other team members seated at counsel table.

11  ADMINISTRATION

11.1 Requests for information or Rule interpretations should be sent to the Director at 410.306.5890 or by e-mail at johnho2@mail.regent.edu. The Director, with the help of the Committee and the faculty advisor, will issue an interpretation of these Rules upon request. All Rule interpretations will be promptly provided to all teams via e-mail.

11.2 The Committee has the discretion to modify or waive any of these Rules as any extraordinary circumstances may warrant, after consulting with the faculty advisor.

11.3 In the event of an ambiguity or conflict, any interpretation provided via e-mail by the Director will govern.

12  SCOUTING

12.1 Scouting is prohibited. No team member still participating may attend the argument of any other school or receive information from any person who has attended an argument of any other school.

12.2 All team members can attend their own team’s arguments and sit at counsel table.

12.3 In the event that a school sends two teams, faculty coaches may attend the arguments of both teams. However, the coach may not in any way discuss a round with the school’s other team that did not compete in that round.

12.4 Non-participants may observe the oral argument rounds with the permission of all of the participants in the round they wish to observe. No one other than representatives of the Board may record any portion of any competition round.
13 **CONDUCT**

13.1 The conduct of all participants in the Competition, including team members and coaches, will be governed by the standards set out in the ABA Model Code of Professional Responsibility and the ABA Model Rules of Professional Conduct.

13.2 All rounds will begin promptly when scheduled. A team that is not present when a round begins will receive zero points for the missed round.

13.3 Any team found to have violated the Scouting Rules in Section 12 will be suspended from further participation in the competition.

13.4 Unless otherwise stated, any infraction of these rules will result in a loss of five points from a team’s overall score in the round in which the infraction occurs.

14 **WITHDRAWAL**

14.1 Any team that withdraws prior to August 15, 2015 will receive a refund of one-half of the registration fee.

14.2 Any team that withdraws or is disqualified after the Competition’s final registration deadline will receive no refund.
APPENDIX 1

CERTIFICATION FORM

We hereby certify that the [Petitioner’s/Respondent’s] brief of Team __________________ is the work product solely of the undersigned and that the undersigned has not received any Faculty or other assistance, except as provided for by the Competition Rules, in connection with the preparation of this brief.

___________________________ ____________________________
(Printed Name) (Signature)

___________________________ ____________________________
(Printed Name) (Signature)

___________________________ ____________________________
(Printed Name) (Signature) 9
## APPENDIX 2
### BRIEF SCORING SHEET

<table>
<thead>
<tr>
<th>BRIEF PARTS</th>
<th>CRITERIA</th>
<th>POINTS POSSIBLE</th>
<th>POINTS GIVEN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Questions Presented</strong></td>
<td>Do the questions adequately describe the issues before the court? Are the issues phrased such that the answer naturally favors the party propounding them?</td>
<td>(5)</td>
<td></td>
</tr>
<tr>
<td><strong>Table of Contents</strong></td>
<td>Does the table list all sections in the brief in proper order and is it neatly organized?</td>
<td>(2)</td>
<td></td>
</tr>
<tr>
<td><strong>Table of Authorities</strong></td>
<td>Are the citations sensibly arranged (separating decision by court and further separating Constitutional provisions, statutes, and secondary sources)?</td>
<td>(4)</td>
<td></td>
</tr>
<tr>
<td><strong>Constitutional Provisions &amp; Statutes</strong></td>
<td>Are the proper Constitutional provisions and statutes cited?</td>
<td>(1)</td>
<td></td>
</tr>
<tr>
<td><strong>Statement of the Case</strong></td>
<td>Are the essential facts stated in as favorable a way as possible without leaving out material facts? Is the statement accurate?</td>
<td>(5)</td>
<td></td>
</tr>
<tr>
<td><strong>Statement of Jurisdiction</strong></td>
<td>Is proper authority given for the jurisdiction of the court?</td>
<td>(1)</td>
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<tr>
<td><strong>Summary of the Argument</strong></td>
<td>Does the summary provide a concise and persuasive summary of the arguments in the Argument section?</td>
<td>(5)</td>
<td></td>
</tr>
<tr>
<td><strong>Overall Appearance &amp; Style Persuasiveness of Headings and Text</strong></td>
<td>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?</td>
<td>(20)</td>
<td></td>
</tr>
<tr>
<td><strong>Argument Structure</strong></td>
<td>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?</td>
<td>(15)</td>
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</tr>
<tr>
<td><strong>Identification of Issues and use of Authority</strong></td>
<td>Have the leading cases been used? Do the authorities support a sound legal analysis? Have persuasive secondary authorities been used? Has there been an excessive reliance on secondary materials? Have policy</td>
<td>(30)</td>
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</tr>
</tbody>
</table>
arguments been developed when appropriate? Has the brief drawn appropriate analogies to similar cases? Have the cases and authorities been used as effectively as possible? Has the brief distinguished unfavorable cases and important authorities?

<table>
<thead>
<tr>
<th>Conclusion and Signature</th>
<th>Does the brief contain a proper conclusion statement and signature block?</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
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</table>

**FINAL SCORE (out of 89 possible points): __________**

Do not score the Brief Cover (1 point) or Citations (10 points). One independent brief grader will grade both of these categories. Brief graders are to submit scores via EMAIL to J. Palmer Horst at johnho2@mail.regent.edu no later than Friday October 2, 2015 by 6pm.

**BLUEBOOK SCORING RUBRIC**

- **Tallying Errors**
  - Those who grade 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:

  \[
  \text{Total # citations} = \underline{\text{___________}} \quad \text{Number of correct citations} = \underline{\text{___________}}
  \]

  \[
  \text{Number of correct citations divided by total (correct # / total #)} = \underline{________}
  \]

  \[
  \text{Final score out of ten points (percentage x 10)} = \underline{________}
  \]