REGENT UNIVERSITY MOOT COURT BOARD
1000 REGENT UNIVERSITY DRIVE
VIRGINIA BEACH, VIRGINIA 23464
Competition Director: Corrie Evans
E-mail: corrlee@mail.regent.edu
Competition Website:
http://www.regent.edu/nationalcompetition

19TH ANNUAL LEROY R. HASSELL, SR. NATIONAL CONSTITUTIONAL LAW MOOT COURT COMPETITION 2019 RULES

On Friday, October 4, 2019, and Saturday, October 5, 2019, 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 the first thirty-two teams to register.

1 ADMINISTRATION 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. All questions concerning the competition must be brought to the attention of the Director, Corrie Evans, as soon as possible at corrlee@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. The registration fee will be $450 per team if paid on or before August 1, 2019 and $550 per team after August 1, 2019. The final registration and payment deadline is 6 p.m. ET August 30, 2019. Any registered team that withdraws prior to the registration deadline will receive a refund of one-half of the registration fee. Any team that withdraws or is disqualified after the registration deadline will receive no refund. The awards banquet on October 4, 2019 will cost an additional nonrefundable fee of $30 per attendee, which must be paid by September 10, 2019.

1.3 Each team will be comprised of two or three team members. Team members must be current J.D. students in good academic standing at their home institution.

1.4 Each team must notify the Director at corrlee@mail.regent.edu of the names of all team competitors by no later than 6 p.m. ET on Friday, August 30, 2019.

1.5 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 from the Director to substitute a team member after the team's competitor names are submitted. No substitutions will be allowed once the Competition begins.

1.6 The Director will designate a team letter for each team on or before Wednesday, September 4. This letter will serve as the sole method of identifying the team during the Competition. Participants may not divulge the names of their law schools directly or indirectly to the judges until after the completion of the Competition.

1.7 Each team must designate a briefing side and notify the Director by Friday, September 6, 2019 of its choice. Teams must submit a brief for the side chosen. If a school enters more than one team, the teams may not brief the same side.

1.8 Each team must designate one representative to whom information may be sent and with whom questions and concerns may be discussed and provide that representative's contact information to the Director at corrlee@mail.regent.edu no later than 6 p.m. on Monday, September 2. That representative must inform the Director of any changes to a school's contact information.

1.9 A copy of the Competition Problem and Rules will be available by August 1, 2019, on the Hassell Competition Website at: http://www.regent.edu/nationalcompetition.

1.10 Requests for information or Rule interpretations should be sent to the Director by e-mail at corrlee@mail.regent.edu. The Director, with the assistance 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.

1.11 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.

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

2 COMPETITION FORMAT

2.1 Preliminary Rounds – Each team (except for the top seed after round 2 in the event of an uneven number of competitor teams) will argue three preliminary rounds. The pairings for the first two preliminary rounds will be released to the teams on or before Wednesday, October 2, 2019. In the first two preliminary rounds, 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. After the second preliminary round, the teams will be ranked by win/loss record and

cumulative point differential. In the third preliminary round, teams ranked in the top half will be randomly paired against teams ranked in the bottom half. Pairings in the three preliminary rounds will be altered to avoid teams having the same pairing twice or teams from the same school paired against each other.

2.2 Procedure if an uneven number of teams registers – One team will be randomly selected by a neutral party. This team will argue in both heats of round 1 and will not argue in round 2. After the end of the second preliminary round and before the start of the third preliminary round, the top 2-0 team will advance to the Quarter-final Round as the top seed.

2.3 Quarter-final Round – The eight highest seeded teams after the preliminary rounds (or, in the event of an uneven number of teams, the seven highest plus the top ranked 2-0 team) will advance to the Quarter-final Round. Teams will be seeded after the preliminary rounds by win/loss record and cumulative point differential. 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 being paired against each other, with teams seeded as close to their natural seeding as possible. Upon announcement of the Director, approximately twenty minutes before the Quarter-final Round begins, a representative from each team must meet the Director to determine which team will argue which side. The higher seeded team will call a coin toss to determine which team chooses the side it will argue for the round. In the event that two teams that faced each other in the preliminary rounds are paired in the Quarter-final round, the teams will argue the opposite side of what they argued in the preliminary round.

2.4 Semi-final Round – The four prevailing teams in the Quarter-final Round will advance to the Semi-final Round. The winner of 1 vs. 8 will pair against the winner of 4 vs. 5, and the winner of 2 vs. 7 will pair against the winner of 3 vs. 6. However, if possible, the pairings will be altered to prevent two teams from the same school from being paired against each other, with teams seeded as close to their natural seeding as possible. Upon announcement of the Director, approximately 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. The higher seeded team will call a coin toss to determine which team chooses which side it will argue for the round. In the event that two teams that faced each other in the preliminary rounds are paired in the Semi-final round, the teams will argue the opposite side of what they argued in the preliminary round.

2.5 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 call a coin toss to determine which team chooses which side it will argue in the Final Round. In the event that two teams that faced each other in the preliminary rounds are paired in the Final round, the teams will argue the opposite side of what they argued in the preliminary 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 performance of the teams participating in the Final Round using a majority of the judges' scoring ballots. The Director will take all reasonable steps to have an odd-numbered final panel during the Final Round; if it is unavoidable to have an even-numbered

panel, and a tie occurs, the winner will be determined first by the total of all points on the judges' score sheets and, if a tie still remains, then by brief score, and, if a tie still remains, then by which team was the higher seed after the Preliminary rounds.

3 BRIEFS

3.1 Subject to the Rules of this Competition, briefs must comply with the Rules of the Supreme Court of the United States except 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.

3.2 One electronic copy of the brief must be filed in accordance with Rule 3.9 below 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.

3.3 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").

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

3.5 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.

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

3.8 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 bluebook scoring rubric that will be used for brief scoring is included at the end of this document.

3.9 SERVICE OF BRIEFS: Each team will submit one electronic copy of its brief via e-mail to corrlee@mail.regent.edu by Friday, September 13, 2019 by 6 p.m. ET. 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 Friday, September 20, 2019, at http://www.regent.edu/nationalcompetition. 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.

3.10 BRIEF CERTIFICATE: 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. A sample certification form can be found in Appendix 1.

3.11 BRIEF 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 five years' practice experience, to serve as a brief grader. The brief grader may not be affiliated with the school's moot court program and may not moot teams or in any way discuss the problem with team members or coaches. Each brief grader should expect to grade five briefs. A school that sends more than one team must designate one brief grader per team or certify that the brief grader will grade five briefs for each team registered. Each team must notify the Director at corrlee@mail.regent.edu by 6 p.m. ET, Monday, September 2, 2019 of the name and email address of its brief grader(s). Each judge will evaluate the briefs using the score sheet attached to these Rules. The brief graders will receive a copy of the briefs they are assigned to grade no later than Monday, September 16, 2019, and the brief score sheets are due to the Director at corrlee@mail.regent.edu no later than Monday, September 23, 2019 by 6 p.m. ET. If a brief grader has not turned in the score sheets by Wednesday, September 25, 2019 by 6 p.m. EST, the briefs will be graded anonymously by a Regent faculty member, 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. who gives all briefs the same score) will be considered to not have turned in the brief scores on time.

4 ORAL ARGUMENT

4.1 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.

4.2 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 Petitioner team will be responsible in each round to communicate to the bailiff, prior to the beginning of the argument, how it wishes to allocate its thirty minutes between advocates and for rebuttal. However, the Petitioner must ask the Chief Justice's permission for rebuttal, which is not reserved simply by communication with the bailiff. 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.

5 ROUND SCORING

5.1 Other than the Final Round, the scores of the teams for each round will be computed by weighing the oral argument two-thirds (66.67%) and the brief one-third (33.33%).The Final round will be scored in accordance with Rule 2.5.

5.2 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 preliminary rounds in which that competitor has argued.

5.3 Each judge will evaluate each advocate on a one-hundred point scale using the score sheet attached to these rules. At the conclusion of each of the 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.

5.4 If in any round other than the Final Round a tie exists after the oral argument and brief scores are tabulated, the tie will be broken in the following sequence: (1) the team that won the majority of the oral argument judges' ballots; (2) the team that had the higher total oral argument score; (3) the team with the higher brief score.

5.5 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 5.4 above and will be given a margin of victory of zero.

6 IDENTITY OF LAW SCHOOLS

6.1 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 team's final argument in the competition. Participants should not display any school-labeled paraphernalia during the Competition.

6.2 Team members and coaches must notify the Director 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.

6.3 The Director will reassign judges to avoid any conflict identified pursuant to 6.2 or any conflict identified by a judge. Judges will not be reassigned to avoid a conflict in the Final Round.

7 AWARDS

7.1 Awards will be given at the banquet following the final preliminary round: Best Petitioner Brief, Best Respondent Brief, and Best Oralist from the preliminary rounds.

7.2 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 by September 10.

7.3 An advocate must argue at least twice in the preliminary rounds to be eligible to receive an oralist award.

8 ASSISTANCE

8.1 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.

8.2 After the brief is filed, participants may have limited assistance from non-team members. Non-team members, including coaches, may judge practice arguments, critique style, and discuss the substantive issues but may not script arguments. Furthermore, teams from the same school may moot against each other no more than 3 times and may not assist each other in preparing or scripting arguments.

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

9 CONDUCT

9.1 The conduct of all participants, 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.

9.2 Scouting is prohibited. No team member still participating may attend the argument of any other school or team or receive information from any person who has attended an argument of any other school or team. Any team found to have violated this prohibition on scouting will be suspended from further participation in the competition.

9.3 All team members can attend their own team's arguments and sit at counsel table.

9.4 In the event that a school sends more than one team, faculty coaches may attend the arguments of all teams from their school. However, the coach and team members may not discuss a round with the school's other team that did not compete in that round.

9.5 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.

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

10 PENALTIES

10.1 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 which shall be assessed include:

- Ten (10) points for briefing the wrong side.
- Three (3) points per occurrence for improper indication of school or authorship.
- Two (2) points per calendar day for late or improper service of brief, with a maximum of ten (10) points.
- Three (3) points for failure to submit the Certification required by Rule 3.10.
- Two (2) points per calendar day for failure to designate a brief grader by the date in Rule 3.11, with a maximum of ten (10) points.
- Five (5) points for failure of a team's designated brief grader to submit scores by the due date in Rule 3.11.
- Five (5) points for a team's disclosure of its school to a judge at any time before the team has concluded its final oral argument 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

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)

APPENDIX 2

BRIEF SCORING SHEET

BRIEF LETTER: _____
NAME OF JUDGE: _____

BRIEF PARTS	CRITERIA	POINTS POSSIBLE	POINTS GIVEN
Questions Presented	Do the questions adequately describe the issues before the court? Are the issues phrased such that the answer naturally favors the party propounding them?	(5)	
Table of Contents	Does the table list all sections in the brief in proper order and is it neatly organized?	(2)	
Table of Authorities	Are the citations sensibly arranged (separating decision by court and further separating Constitutional provisions, statutes, and secondary sources)?	(4)	
Constitutional Provisions & Statutes	Are the proper Constitutional provisions and statutes cited?	(1)	
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)	
Statement of Jurisdiction	Is proper authority given for the jurisdiction of the court?	(1)	
Summary of the Argument	Does the summary provide a concise and persuasive summary of the arguments in the Argument section?	(5)	
Overall Appearance & Style Persuasiveness of Headings and Text	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)	
Argument Structure	Is the structure logical and indicative of the issues? Are the	(15)	

	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?		
Identification of Issues and Use of Authority	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 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?	(30)	
Conclusion and Signature	Does the brief contain a proper conclusion statement and signature block?	(1)	

FINAL SCORE (out of 89 possible points): _____

Do not score the Brief Cover (1 point) or Citations (10 points), which will be scored by another grader. You must submit this score sheet via EMAIL to Corrie Evans at corrlee@mail.regent.edu by Monday, September 23, 2019 by 6 p.m. EST, and in no event later than Wednesday, September 25, 2019 by 6 p.m. EST. Your failure to turn scores in on time can result in a penalty to the team that designated you to serve as a brief grader.

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 SCORING SHEET

Regent University School of Law

2019 Leroy R. Hassell National Constitutional Law Moot Court Competition

Round	Room	Time	Judge	Appellant 1	Appellant 2	Appellee 1	Appellee 2

Opening Arguments: *5 points possible*											
Effective statement of facts and issues.											
Bad	Poor	Acceptable	Average	Good	Excellent	Perfect	_____	_____	_____	_____
0	0.5	1	2.5	3.5	4.5	5	of 5	of 5	of 5	of 5
Knowledge of Briefs and Record: *30 points possible*											
Knowledge of content, authority(s) cited, issues handled, and arguments raised.											
Bad	Poor	Acceptable	Average	Good	Excellent	Perfect	_____	_____	_____	_____
0	5	10	15	20	25	30	of 30	of 30	of 30	of 30
Organization of the Argument: *20 points possible*											
Presentation of points, emphasis on points, time management, and argument effectiveness.											
Bad	Poor	Acceptable	Average	Good	Excellent	Perfect	_____	_____	_____	_____
0	3	7	10	13	17	20	of 20	of 20	of 20	of 20
Answering Questions: *20 points possible*											
Ability to answer questions, think on feet, and resume thread of argument after interruption.											
Bad	Poor	Acceptable	Average	Good	Excellent	Perfect	_____	_____	_____	_____
0	3	7	10	13	17	20	of 20	of 20	of 20	of 20
Extemporaneous Ability: *20 points possible*											
Ability to speak without notes or with unobtrusive notes, speaking voice, poise, gestures, mannerisms, and courtroom etiquette.											
Bad	Poor	Acceptable	Average	Good	Excellent	Perfect	_____	_____	_____	_____
0	3	7	10	13	17	20	of 20	of 20	of 20	of 20
Closing Arguments: *5 points possible*											
Effective summary of the argument and conclusion.											
Bad	Poor	Acceptable	Average	Good	Excellent	Perfect	_____	_____	_____	_____
0	0.5	1	2.5	3.5	4.5	5	of 5	of 5	of 5	of 5
Scorer's use only:					TOTAL SCORES		_____ of 100	_____ of 100	_____ of 100	_____ of 100