

## **REGENT UNIVERSITY MOOT COURT BOARD**

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### **20TH ANNUAL LEROY R. HASSELL, SR. NATIONAL CONSTITUTIONAL LAW MOOT COURT COMPETITION 2020 RULES**

On Thursday, October 8, 2020, through Saturday, October 10, 2020, 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. In response to the Covid-19 Pandemic, this year’s Competition will be held in a virtual format via “Zoom.”

#### **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 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, Christopher Hartwell, as soon as possible at [chrih40@mail.regent.edu](mailto:chrih40@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 deadline is August 15, 2020. The registration fee is \$250 per team, payable online with credit card or with check, due no later than 6 p.m. EST on August 31, 2020. Any registered team that withdraws prior to the payment deadline will receive a refund of one-half of the registration fee. Any team that withdraws or is disqualified after the payment deadline will receive no refund, except as specified in rule 1.7.

**1.3** Each school may register one or two teams.

**1.4** 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. In addition, due to the Covid-19 situation, each team may designate one additional 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 1.6.

**1.5** Each team must notify the Director of the names of all team competitors and alternate, coaches, and primary contact/representative(s) by no later than 6 p.m. EST on Monday, August 31, 2020. A survey link will be sent to teams via the e-mail provided in the registration form.

**1.6** 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 substituted for a team member. No substitutions are allowed once the Competition oral argument rounds begin. If a substitution is made before the brief is turned in, the substituted team member may not provide any further assistance on the brief.

**1.7** A team that withdraws after the payment deadline 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.

**1.7** The Director will designate a team number for each team on or before Monday, September 7, 2020. 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** Each team must designate a briefing side (Appellant or Appellee) and notify the Director by 6 p.m. on Friday, September 11, 2020 of this choice. Teams must submit a brief for the side chosen. If a school enters two teams, the teams may not brief the same side.

**1.9** 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 e-mail address and cell phone number. This designation must occur at the same time that team members are registered pursuant to Rule 1.5. The representative must inform the Director of any changes to a school’s contact information.

**1.10** A copy of the Competition Problem and Rules will be available by July 15, 2020, on the Hassell Competition Website at <http://www.regent.edu/nationalcompetition>.

**1.11** Requests for information or Rule or Problem interpretations must be sent to the Director by e-mail at [chrih40@mail.regent.edu](mailto:chrih40@mail.regent.edu) by no later than Friday, September 4, 2020. The Director, with the assistance of the Committee and the Faculty Advisor, will issue an interpretation of the Rules or clarification of the Problem promptly to all teams via e-mail.

**1.12** 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.

**1.13** The awards ceremony will be virtual and live streamed on Friday, October 9, at approximately 5:00 p.m. EST. 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/Octofinal Round.

**1.14** On Wednesday, October 7, 2020 each team will check-in during a scheduled Zoom session. All team members must participate in the check-in. During this check-in process, each team is to ensure that their internet connection is sufficient to conduct their argument as well as address any other technical concerns. Further, this is an opportunity for a team to raise any last technical questions they have about the administration of the Competition. Any question that is applicable to the Competition as a whole will be addressed to all teams via e-mail by Thursday morning.

**1.15** All oral arguments will be recorded by the Regent University Moot Court Board to ensure the integrity of the Competition. Recordings are being made solely in the event a team asserts a challenge to the round in accordance with Rule 4.18. Once the round is completed, the recording will be deleted. All team members must sign a consent form allowing their arguments to be recorded for this purpose.

**1.16** No team or third party is permitted to record arguments.

**1.17** Any requests for accommodations for oral arguments must be submitted no later than Friday, September 18, 2020 at 6 p.m. EST.

**1.18** By no later than 6 p.m. EST on Friday, September 11, 2020, each team must submit a certification that each team member and coach has read and understands the Competition Rules. A link to the certification will be sent to teams via e-mail.

**1.19** In the event of an ambiguity in or conflict over the Rules, any interpretation provided via e-mail by the Director will govern.

## **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 Monday, October 5, 2020. 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 in the event that an odd number of teams register:** Two teams will be randomly selected by a neutral party. The first selected team will receive a bye in the first

preliminary round and the second selected team will receive a bye in the second preliminary round. The two bye teams will argue in a supplemental round on Friday, October 9, 2020 at 11 a.m. EST.

**2.3 Elimination (Octofinal) Round:** The top sixteen seeds will advance to the Elimination/Octofinal Round. Teams will be seeded after the preliminary rounds by win/loss record and cumulative margin of victory. The teams will be power seeded by ranking (i.e., 1 vs. 16, 2 vs. 15, 3 vs. 14, 4 vs. 13, 5 vs. 12, 6 vs. 11, 7 vs. 10, and 8 vs. 9). The higher seeded team will choose which side to argue. However, if teams paired in this round argued in a preliminary round, they must argue the side opposite of what was argued in the preliminary round.

**2.4 Quarter-final Round:** The eight prevailing teams in the Elimination/Octofinal Round will advance to the Quarter-final Round and be paired in traditional bracket format (the winner of 1 vs. 16 vs. the winner of 8 vs. 9, the winner of 2 vs. 15 vs. the winner of 7 vs. 10, the winner of 3 vs. 14 vs. the winner of 6 vs. 11, and the winner of 4 vs. 13 vs. the winner of 5 vs. 12). The higher seeded team will choose which side to argue. However, if teams paired in this round argued in a preliminary round, they must argue the side opposite of what was 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 and be paired in traditional bracket format (the winner of 1/16 vs. 8/9 against the winner of 4/13 vs. 5/12, and the winner of 2/15 vs. 7/10 against the winner of 3/14 vs. 6/11). The higher seeded team will choose which side to argue. However, if teams paired in this round argued in a preliminary round, they must argue the side opposite of what was 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 choose which side to argue.

### **3 BRIEFS**

**3.1** Unless otherwise provided in these Rules, briefs must comply with Federal Rules of Appellate Procedure 28(a) [excluding subsections (1) and (10)], 28(d), and 32(a)(1), (2) and (4). Briefs submitted on behalf of the Appellee must contain all sections required for the brief for the Appellant (i.e., to the extent it provides otherwise, FRAP 28(b) is not applicable).

**3.2** The brief must include on its cover only the team's assigned number and team designation (i.e. Counsel 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 The Bluebook: A Uniform System of Citation, which is the 21st edition (2020).

**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, signature block, or any 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 questions 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 in these rules as an Appendix.

**3.9** SERVICE OF BRIEFS: Each team must submit one electronic copy of its brief by 6 p.m. EST on Monday, September 14, 2020. The brief must be submitted as one PDF document. No other format will be accepted. A link will be provided for teams to submit the brief. All team briefs will be posted by Monday, September 28, 2020 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. This certification must be submitted with the brief through the link for brief submission.

**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 two years' practice and/or judicial clerkship experience, to serve as a brief grader. Teams are expected to 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 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 score five briefs. A school that sends more than one team must designate one brief grader per team or certify that the brief grader will score five briefs for each team registered. Each team must notify the Director at [chrih40@mail.regent.edu](mailto:chrih40@mail.regent.edu) by 6 p.m. EST, Monday, August 31, 2020 of the name and e-mail address of its brief grader(s). Each grader 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 Friday, September 18, 2020, and the brief score sheets are due to the Director at [chrih40@mail.regent.edu](mailto:chrih40@mail.regent.edu) no later than 6 p.m. EST on Monday, September 28, 2020. If a brief grader has not turned in the score sheets by 6 p.m. EST on Wednesday, September 30, 2020, 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., scores all briefs 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.

**3.12 PLAGIARISM:** Teams may research and review, but not copy, any relevant legal source, including briefs filed in court cases. The Director will review and have access to law review articles and briefs filed in court cases that involve issues similar to the problem and will check the teams' briefs carefully for plagiarism, including copying or failure to properly attribute a source. Plagiarism will result in a penalty up to disqualification. See Rule 10.2.

## **4 ORAL ARGUMENT**

**4.1** The Competition will be held online via the Zoom platform. All teams are responsible for their own internet and video conferencing capabilities. The Director will determine the schedule for each preliminary round of arguments and will notify each participating team of the schedule before and during the Competition. The times for rounds will be as follows:

Preliminary Round 1—Thursday, October 8, 6 p.m. and 8 p.m. EST

Bye Round (if necessary)—Friday, October 9, 11 a.m. EST

Preliminary Round 2—Friday, October 9, 1 p.m. and 3 p.m. EST

Elimination/Octofinal Round—Friday, October 9, 7 p.m. EST

Quarterfinal Round—Saturday, October 10, 11 a.m. EST

Semifinal Round—Saturday, October 10, 1:30 p.m. EST

Final Round—Saturday, October 10, 4 p.m.

**4.2** 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. The Petitioner team must communicate to the Clerk of Court, prior to the beginning of the argument, how it wishes to allocate its thirty minutes between advocates and for rebuttal. The Chief Judge has the discretion to allow additional time for an advocate's response.

**4.3** The Petitioner must ask the Chief Judge's permission for rebuttal, which is not reserved by communication with the Clerk of Court. The Petitioner team may reserve up to five minutes for rebuttal. The Chief Judge has the discretion to allow additional time for the advocate's response on rebuttal. Teams do not need to designate who will give rebuttal ahead of time.

**4.4** Each oralist is expected to be dressed in full court room attire for each argument.

**4.5** For the virtual format, oralists may choose whether to sit or stand while arguing. Oralists may also choose whether to use a headset. Judges will be informed about these options and instructed not to factor them into the score.

**4.6** Oralists must keep their video on for the entire round but must mute themselves when not arguing. Competitors must also make sure that no distractions arise during the round, including making sure all other electronic devices in their possession are muted.

**4.7** To ensure that all competitors are in equivalent circumstances and thus teammates who are not able to be together during the Competition are not disadvantaged, each oralist must argue from a separate location and thus teammates and coaches may not be in the same location together. Teammates arguing together during a round may communicate by electronic private devices, and judges will be informed of this policy so they do not downgrade teammates for communicating during the round. Competitors otherwise may not communicate with coaches, the third team member, or anyone else other than judges and the Clerk of Court during a round.

**4.8** Immediately after each round, competitors must submit an electronic certification that they neither received nor gave any unauthorized assistance during the round. If this certification is not submitted within 10 minutes of the conclusion of the round, the competitor will receive a score of 0 for that round.

**4.9** During the argument, the group “chat” function in Zoom will be utilized by the Clerk of Court only, to notify competitors of remaining time.

**4.10** In addition to posting time updates on “chat,” the Clerk of Court will provide a visual notice of time either by timecards or a running clock displayed on screen.

**4.11** Competitors will connect to the round by the internet. Each competitor must be prepared to connect by the call-in function as a backup in the event of an internet service disruption. A competitor must not be connected by more than one device at a time.

**4.12** For each argument, competitors will be provided a cell number to call to contact the Clerk of Court in case of disconnection. If a competitor who is arguing is disconnected, time will be paused. If the competitor cannot reconnect to the internet within two minutes, the competitor will have to connect by phone and finish the argument by audio only. Time will resume when the competitor reconnects and resumes the argument. If a competitor who is not arguing is disconnected, the argument will proceed, and the competitor must reconnect as soon as possible.

**4.13** A competitor who experiences a distracting pause while arguing may request that the Chief Judge pause the round so that the technical problem can be addressed. The Chief Judge shall, in consultation with the Clerk of Court, have discretion to pause the round and have the oralist call in, or allow the round to continue.

**4.14** The use of virtual “backgrounds” will not be permitted during the argument. Competitors should ensure that the room in which they are arguing looks professional and includes nothing that could identify the competitor’s school.

**4.15** Competitors should keep their name on the Zoom window and introduce themselves to the Court by their name but may make no reference to their school.

**4.16** Coaches and third teammates may join the Zoom session for the arguments but must keep their cameras off and their microphones on mute. Coaches and third teammates may not communicate with competitors during the arguments.

**4.17** Competitors must check e-mail for the Zoom link and join the session no later than 20 minutes before the round's start time so that the Clerk of Court can confirm that everyone has proper connectivity. Once all competitors and judges have joined the session and are properly connected, at the Chief Judge's discretion, the round may start if everyone is ready to proceed.

**4.18** A challenge to a round may be made only for rule violations or serious misconduct or unprofessional behavior by a judge (e.g. acknowledging knowing a competitor, falling asleep or not paying attention during a round, etc.) and must be made by a competitor or coach to the Clerk of Court 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** The scores of the teams will be computed for all rounds, including the final, by weighing the oral argument two-thirds (66.67%) and the brief one-third (33.33%). The team's brief score will be added to the oral score of each competitor, and thus each round is worth up to 300 points.

**5.2** Each individual competitor's oral score will be the average of the scores assigned to that competitor by the members of the judging panel.

**5.3** 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 Clerk of Court will inform the judges of time limitations for this critique and will track time to ensure that rounds remain on schedule.

**5.4** If 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. If in a preliminary round all of these methods do not differentiate the teams, the round shall be considered a tie. In other rounds, if all of these methods do not differentiate the teams, the higher seed will be considered the winner.

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

**5.6** Teams and coaches will not have access to judges' scoresheets or scores. The Director will announce final results of each round after its completion.

## **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 Competition. Participants may not display any school-labeled paraphernalia during the Competition.

**6.2** Team members and coaches must notify the Director or Clerk of Court 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** With the exception of the Final Round, the Director will reassign judges to avoid any conflict identified by a judge or by a team pursuant to Rule 6.2.

## **7 AWARDS**

**7.1** Awards will be given at the awards ceremony following the second preliminary round 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** All participants and judges are invited to attend the awards session. A link to the session will be sent via e-mail.

**7.3** An advocate must argue both preliminary rounds to be eligible to rank as a top oralist.

## **8 ASSISTANCE**

**8.1** Teams may not receive any assistance of any kind from anyone else, including from their team alternate or from 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** After the brief is filed, teams may receive assistance in preparing for oral arguments.

**8.3** At the Competition, 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. This communication must occur only when the other team is arguing and must be done via text or other private message and not through the “chat” function in Zoom, so as to avoid accidental “group chat” communication.

**8.4** Oralists may have copies of the problem, rules, briefs, and research in hard copy or electronic form during the argument but may not access electronic devices for any other reason except to participate in the argument and communicate with co-counsel as permitted by Rule 8.3.

## **9 CONDUCT**

**9.1** 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.

**9.2** 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 suspended from the Competition.

**9.3** Only the two competitors, the third team member, and one coach may attend a round for a team. Guests are not permitted, except for the final round, which will be livestreamed.

**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** 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** 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, 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 briefing the wrong argument side.
- 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 date in Rule 3.11, with a maximum of ten (10) points.
- Two (2) points per day on the average brief score for failure of a team's designated brief grader to submit scores by the due date in Rule 3.11, 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: \_\_\_\_\_

<b>BRIEF ATTRIBUTES</b>	<b>CRITERIA</b>	<b>POINTS POSSIBLE</b>	<b>POINTS GIVEN</b>
<b>Table of Contents</b>	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 - Perfect	
<b>Table of Authorities</b>	Are the citations sensibly arranged (separating decision by court and further separating Constitutional provisions, statutes, and secondary sources)?	(5) 1 – Poor 2 – Acceptable 3 – Good 4 – Excellent 5 – Perfect	
<b>Statement of Jurisdiction</b>	Is proper authority given for the jurisdiction of the court?	(1) 0 – No 1 - Yes	

<b>Issues Presented</b>	Are the issues adequately described before the court? Are the issues phrased such that the answer naturally favors the party propounding them?	(5) 1 - Poor 2 - Acceptable 3 - Good 4 - Excellent 5 - Perfect	
<b>Statement of the Case</b>	Are the essential facts stated in as favorable a way as possible without leaving out material facts? Is the statement accurate?	(5) 1 - Poor 2 - Acceptable 3 - Good 4 - Excellent 5 - Perfect	
<b>Summary of the Argument</b>	Does this section provide a concise and persuasive summary of the arguments in the Argument?	(5) 1 - Poor 2 - Acceptable 3 - Good 4 - Excellent 5 - Perfect	
<b>Overall Appearance, Style &amp; Persuasiveness</b>	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) 4 - Poor 8 - Acceptable 12 - Good 16 - Excellent 20 - Perfect	

<b>Argument Structure</b>	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) 3 - Poor 6 - Acceptable 9 - Good 12 - Excellent 15 - Perfect	
<b>Identification of Issues and Use of Authority</b>	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) 6 - Poor 12 - Acceptable 18 - Good 24 - Excellent 30 - Perfect	
<b>Conclusion and Signature</b>	Does the brief contain a proper conclusion statement and signature block?	(1) 0 - No 1 - Yes	

**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 E-MAIL to Christopher Hartwell at [chrih40@mail.regent.edu](mailto:chrih40@mail.regent.edu) by Monday, September 28, 2020 by 6 p.m. EST, and in no event later than Wednesday, September 30, 2020 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.

**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											
2020 Leroy R. Hassell, Sr. National Constitutional Law Moot Court Competition											
Round	Room	Time	Judge	Appellant 1	Appellant 2	Appellee 1	Appellee 2				
<b>Opening Arguments: 5 points possible</b>											
Effective statement of facts and issues.											
	Poor	Acceptable	Good	Excellent	Perfect						
	1	2	3	4	5						
								_____ of 5		_____ of 5	
<b>Knowledge of Briefs and Record: 25 points possible</b>											
Knowledge of content, authority(s) cited, issues handled, and arguments raised.											
	Poor	Acceptable	Good	Excellent	Perfect						
	5	10	15	20	25						
								_____ of 25		_____ of 25	
<b>Organization of the Argument: 25 points possible</b>											
Presentation of points, emphasis on points, time management, and argument effectiveness.											
	Poor	Acceptable	Good	Excellent	Perfect						
	5	10	15	20	25						
								_____ of 25		_____ of 25	
<b>Answering Questions: 25 points possible</b>											
Ability to answer questions, think on feet, and resume thread of argument after interruption.											
	Poor	Acceptable	Good	Excellent	Perfect						
	5	10	15	20	25						
								_____ of 25		_____ of 25	
<b>Extemporaneous Ability: 15 points possible</b>											
Ability to speak without notes or with unobtrusive notes, speaking voice, poise, gestures, mannerisms, and courtroom etiquette.											
	Poor	Acceptable	Good	Excellent	Perfect						
	3	6	9	12	15						
								_____ of 15		_____ of 15	
<b>Closing Arguments: 5 points possible</b>											
Effective summary of the argument and conclusion.											
	Poor	Acceptable	Good	Excellent	Perfect						
	1	2	3	4	5						
								_____ of 5		_____ of 5	
<b>Scorer's use only:</b>				<b>TOTAL SCORES</b>				_____ of 100		_____ of 100	
								_____ of 100		_____ of 100	