

**39TH MORRIS B. MYEROWITZ
MOOT COURT COMPETITION**

Sponsored by:
**The University of Maryland School of Law
Moot Court Board**

RULES AND PROCEDURES
January-March 2008

I. Introduction

- A. This document, the 39th Morris B. Myerowitz Moot Court Competition Rules and Procedures (“RULES”), comprises the procedures and guidelines for the 2008 Competition. These procedures may be modified or added to by subsequent written notification, including communications via email. By participating in the Myerowitz Competition, a competitor agrees to abide and be bound by these guidelines and procedures, as well as any subsequent written notification thereof.
- B. The Chairpersons for the 2008 Myerowitz Competition are Viktoriya Mikityanskaya, Thaila Sundaresan, and Alicia Welch. They can be reached at mootcourt@law.umaryland.edu.

II. Honor Code, Rules of Conduct and Grievance Procedures

- A. During the Competition, the Honor Code for the University of Maryland School of Law is strictly in effect. For purposes of the Honor Code, the Myerowitz Competition Chairpersons and these Rules shall be considered the “professor.”
- B. Each competitor shall **independently research and write** his or her own brief. A failure to do so shall result in automatic disqualification from the Competition and a report to the Honor Board for disciplinary action. Competitors may not, in any manner, utilize the services of the Law School’s Writing Center with respect to brief writing for this Competition.
1. A Competitor MAY:
 - Discuss any question of *style and format* or *substance* of the brief and oral argument with the Chairpersons of the Myerowitz Competition or President of the Moot Court Board; and
 - Attend an oral argument of other Competitors **AFTER** he or she has been eliminated from the Competition. **ELIMINATION OCCURS WHEN THE COMPETITOR RECEIVES NOTICE THAT HE OR SHE HAS NOT ADVANCED TO THE NEXT ROUND OF THE COMPETITION.**
 - Watch videotapes available in the Law School’s library of past Myerowitz oral arguments.
 2. A Competitor MAY NOT:
 - Discuss ANY stylistic or substantive aspect of the problem with any person except the Myerowitz Competition Chairpersons or President of the Moot Court Board;

- Give any case, journal article, treatise or any other source of any kind to any other Competitor, either physically or by name;
 - Receive or benefit from any case, journal article, treatise or any other source of any kind from any Competitor, or any other person, either physically or by name;
 - Attend any Myerowitz Competition oral argument or Competition-related practice oral argument earlier than his/her own oral argument before he or she has been eliminated from the Competition.
- C. Any Competitor who has completed his or her oral argument and aids in any manner whatsoever any other individual who is competing, or is to compete at a later date, shall be deemed to have violated the Honor Code resulting in automatic disqualification from the Competition and a report to the Honor Board for further disciplinary action.
- D. Any Competitor who receives aid from anyone other than the Myerowitz Competition Chairpersons or any other person deemed acceptable according to these Rules shall be deemed to have violated the Honor Code resulting in automatic disqualification from the Competition and a report to the Honor Board for further disciplinary action.
- E. These Rules may be modified or added to by subsequent written notification, including communications via email.

III. The Grievance Process

- A. A Competitor may appeal the following Moot Court Board decisions:
1. Failure to receive credit for participation in the Myerowitz Competition.
- B. A Competitor may not appeal the following Moot Court Board decision:
1. Failure to advance in the Myerowitz Competition;
 2. Failure to be selected as a new member of the Moot Court Board.
 3. Failure to make the National Moot Court Team.
- C. All appeals must be made **IN WRITING** to Professor Susan Hankin and copied to Jason Zappasodi (jzapp002@umaryland.edu), no later than March 31, 2008. The written grievance should clearly indicate the grounds for the appeal.
- D. The standard of review will be the “clearly erroneous” standard. The Grievance Committee will declare that an error occurred if, and only if, every member of the

Grievance Committee indicates, by vote, that he/she believes an error occurred. If it is determined that a Competitor was wrongfully denied a credit, he/she will receive credit.

IV. Briefs

A. Style and Organization

1. Competitors' briefs shall follow the style and organization of the briefs of the Supreme Court of the United States, as detailed in APPENDIX A, with the following exceptions (a link to the complete list of these rules can be found under "External Links" within the Myerowitz Blackboard page):
 - a. The title page shall include, along with the usual information on the title page of a Supreme Court Brief, the competitor number in the lower right hand corner. (Competitor number will be e-mailed to you).
 - b. The title page of the Petitioner's Brief shall be blue. The title page of the Respondent's Brief shall be red. If the color of the title page is incorrect, points will be deducted
 - c. In addition to including the ONE title page with each copy of their briefs, competitors shall include a second title page **ONLY ON** the **FIRST** copy of their brief. In addition to the information mentioned in §§(IV)(A)(1)(a) & (b) above, this sheet shall include your name, phone number, and email address in the lower right hand corner, directly above the competitor number.

*****YOUR NAME SHOULD NOT APPEAR ANYWHERE IN YOUR BRIEF – INCLUDING THE COVER PAGE - except for the one sheet discussed in subsection (IV)(A)(1)(c) *****

- d. The *Argument* section of the brief is to be no longer than twenty-five (25), 8-1/2" x 11" pages, double-spaced. There is no page limit for the other sections of the brief. There must be a 1" margin all around each page, and the typeface should be TIMES NEW ROMAN in 12-point font. You will be graded on your effective use of language and space; therefore, you should not be overly verbose in the preliminary sections of your brief.
- e. Citation style shall adhere to the most recent edition of the Uniform System of Citation (Blue Book).
- f. During your research, you may find briefs that have been filed on these very issues before the U.S. Supreme Court and lower state

and federal courts. Although you may use these briefs to enhance your knowledge of the issues, competitors may not cite to these briefs. Be aware that the facts in this case are distinct from any case that has been decided by any court to date.

2. A sample brief will be available on the Moot Court Board website. In addition, the standard reference works on Supreme Court practice include Stern and Gessman, Supreme Court Practice, which is available in the library.

B. Deadline for Submission of Briefs

1. Seven (7) copies of the brief must be submitted to the Moot Court Office-Room 160E on **Friday, February 15, 2008 by 12 PM**. There will be a box outside of the Moot Court Office to receive briefs. You may, of course, turn in your brief early. Please secure all copies of the brief together either by rubber band or by placing the briefs in an envelope. The Myerowitz Competition Chairpersons may elect to accept a brief handed in past the deadline without penalty, for “good cause shown.” **OTHERWISE, NO LATE BRIEFS WILL BE ACCEPTED.**
 - a. “Good cause” shall be determined by the Myerowitz Competition Chairpersons & Moot Court Board President on a case-by-case basis and shall be at the discretion of the Myerowitz Competition Chairpersons & Moot Court Board President.
 - b. The failure of any computer, printer, disk drive, hard drive or any other mechanical device used for transcribing or storing an individual’s brief shall NOT constitute “good cause.”
 - c. Generally, only severe illness or death of a family member of a Competitor or the severe illness of a Competitor will excuse a late brief.
2. Briefs are late beginning one minute after 12:00 PM on February 15, 2008 **AFTER 12:00 PM ON FEBRUARY 15, 2008, THE MOOT COURT BOARD WILL NOT ACCEPT ANY BRIEFS AND ANY COMPETITOR NOT TURNING IN A BRIEF BY EXACTLY 12:00 PM WILL RECEIVE "NO CREDIT" FOR MOOT COURT.**
3. Service of Briefs on Opposing Parties: Competitors are NOT responsible for serving briefs on opposing counsel. The Moot Court Board’s Myerowitz Competition Committee will effect service of opposing counsel’s brief. You will only receive service of process for the first round. Briefs will be served to competitors’ mailboxes.

V. Oral Argument

- A. Oral argument schedules for each round of the Competition shall be posted on the Myerowitz Competition Blackboard page, and will be e-mailed to all competitors by the Myerowitz Competition Chairpersons or Moot Court Board President. All Competitors shall participate in the First Round. Sixteen (16) Competitors shall advance to the Second Round, Eight (8) Competitors shall advance to the Semi-Final Round, and Four (4) Competitors will advance to the Final Round.
- B. In the First Round, each Competitor will present an oral argument on **ONLY one of the two issues** in dispute. The position (i.e., petitioner or respondent) assigned to a Competitor for purposes of oral argument may **NOT** necessarily correspond with the position on which the Competitor wrote his or her brief. If the Competitor advances beyond the First Round, the Competitor will switch issues, positions (petitioner/respondent) and/or both. All efforts will be made to ensure that a Competitor does not argue the same position more than once in the competition.
- C. Time Limits: Each Competitor shall be permitted fifteen (15) minutes to present his or her argument. A Competitor will receive five-minute, two-minute and time up signals from the timekeeper. The oral argument shall cease immediately when the timekeeper displays the sign indicating that the Competitor's time has expired, unless the Competitor is given permission to continue by the bench, in which case the Competitor may continue only to the extent of the permission granted by the bench.
- D. Rebuttal: Only Competitors who have been assigned to argue on behalf of the Petitioner for the round in question shall be permitted to reserve rebuttal time. Each Competitor-Petitioner may reserve no more than five (5) minutes of rebuttal time. Each Competitor-Petitioner must notify the timekeeper if rebuttal time is desired prior to the commencement of oral argument.
- E. Oral Argument Co-Counsel: The status of co-counsel does not allow Competitors any special permission or relationship to collaborate in any manner whatsoever.
- F. The bailiff shall keep the official time. There will be a five (5) minute grace period for competitors who fail to arrive on time for their scheduled oral argument. If a Competitor is more than 5 minutes late but less than 20 minutes late, 2 points will be deducted from his/her oral argument score for each increment of 5 minutes. It is strongly encouraged that each Competitor arrives at least twenty (20) minutes prior to their oral argument in order to take care of last minute questions or to reserve rebuttal time with the timekeeper.

******Any Competitor who is more than twenty (20) minutes late will not be allowed to argue and will receive "No Credit" for Moot Court unless "Good Cause" is shown.******

VI. Grading Criteria and the Selection of Competitors For the Moot Court Board and National Team

- A. Moot Court Board Eligibility: Any competitor who advances to the quarter-final round of the Myerowitz Competition, i.e., advances past the first round, is *eligible* to be selected as a member of the Moot Court Board. For purposes of this rule only, winning best or runner-up best brief constitutes advancement to the quarterfinals. Membership on the Board, nonetheless, is still at the sole discretion of the Executive Board.
- B. Scoring: A Competitor's total First Round score will be computed based on the following distribution: Oral Argument (60%) and Brief (40%). A Competitor's total Second Round score will be computed based on the following distribution: First Round Oral Argument (1/3); Second Round Oral Argument (1/3); and Brief (1/3). A Competitor's total Semi-Final Round score will be computed based on the following distribution: First Round Oral Argument (1/4); Second Round Oral Argument (1/4); Third Round Oral Argument (1/4); and Brief (1/4). The Final Round of the Competition is scored on its own merits; brief scores are not considered.
- C. Brief Grading: Each brief will be read by five (5) members of the current Moot Court Board. The highest and lowest of the scores will be dropped, with the remaining three scores averaged to obtain the Competitor's total Brief Score.
- D. Minimum Score Standard for Receiving Credit: If a Competitor's Brief or Oral Argument average Score is less than 55 out of 100 possible points, the Competitor will receive "No Credit" for Moot Court. A Competitor may not amend his/her brief anytime after submission to the Moot Court Board.

VII. Miscellaneous

- A. Graded briefs will be returned to each Competitor's mailbox by April 16, 2008.
- B. Adding/Dropping Moot Court: Please consult the School of Law's official add/drop deadlines for information regarding when and if students may drop Moot Court.

APPENDIX A

After the COVER PAGES, which must be prepared in the manner specified in the above RULES, the brief for the petitioner or respondent should contain the sections enumerated below in the order indicated. Each section should begin on a separate page.

- (1) **QUESTIONS PRESENTED.** The questions should be expressed in the terms and circumstances of the case but without unnecessary detail and will be deemed to include every subsidiary question fairly comprised therein.
- (2) **TABLES OF CONTENTS AND AUTHORITIES.** Each Table must contain page references to the headings and authorities listed. With respect to the Authorities, cases should appear first and be alphabetically arranged, then constitutional provisions, statutes, textbooks and law review articles, etc. Each type of Authority should be listed under a separate sub-heading.
- (3) **OPINIONS BELOW.** Citations of the opinions and judgments delivered in the courts below must be included in the brief. Both official and unofficial reports should be cited. For purposes of the Myerowitz Competition, the reports shall be designated “unofficial.”
- (4) **JURISDICTION.** A concise statement of the grounds on which the jurisdiction of a court is invoked, with citation of the statutory provision and of the time factors upon which such jurisdiction rests.
- (5) **STATUTES INVOLVED.** Relevant text and proper citation of constitutional provisions, treaties, statutes, ordinances, and regulations involved.
- (6) **STATEMENT OF THE CASE.** This section should be a concise statement of the case containing all that is material to the consideration of the questions presented, with appropriate references to the record (e.g., R. 12). The procedural history of the case should be noted in this section.
- (7) **SUMMARY OF THE ARGUMENT.**
- (8) **ARGUMENT.**
- (9) **CONCLUSION.** This section is a statement specifying with particularity the relief requested. It SHOULD NOT be a final summation.

All briefs should conclude with the following:

Respectfully submitted,

Counsel for Petitioner/Respondent
February 15, 2008