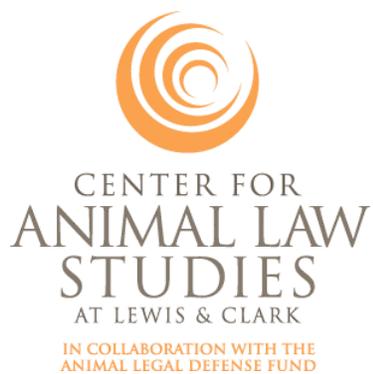




PRESENTED BY:



APPELLATE MOOT COURT
COMPETITION
2013 RULES



RULE I. ORGANIZATION

The National Animal Law Competitions (NALC) are an inter-law school competition comprised of three separate events:

- Legislative Drafting & Lobbying Competition;
- Closing Argument Competition; and
- Appellate Moot Court Competition.

NALC is a fun and educational event presented by the Center for Animal Law Studies each year and hosted by Lewis & Clark Law School in 2013. The purpose of the event is to provide law students an opportunity to develop knowledge in the field of animal law and hone their written and oral advocacy skills.

RULE II. TEAMS

A. Number and Composition of Teams.

The Appellate Moot Court Competition is open to the first twenty (20) teams to register and arrange payment. Should the competition sell out, potential teams are encouraged to register for the waitlist as a spot may become available.

Each law school may enter up to two teams. Teams are composed of two law students. The two students need not necessarily be attending the same law school. Participants must be full- or part-time students seeking a J.D. at any ABA-approved law school in the United States and who have completed at least one year of their studies.*

** First year law students are eligible to compete in the Legislative Drafting & Lobbying Competition of the National Animal Law Competitions.*

B. Substitution.

In the event of an emergency, schools may send an alternate team member. The team must immediately notify the competition administrators of the change.

C. Registration.

Registration for the 2013 competitions will open on Monday, October 15, 2012, at 11 a.m. (PST). Registrations will not be accepted before then. Registrations are processed on a first-come, first-served basis via the online registration process. The online process will shut down automatically when the event is at capacity. To be added to the waitlist, email Competition Administrator Liberty Mulkani at lmulkani@lclark.edu. The waitlist order will be determined by the time and date stamp of the email request.

Teams must submit a completed registration form and arrange payment for the registration fee of \$425 (per team, not individual). Registrations may be completed by the individual competitor or by an agent acting on their behalf.

Should a team need to withdraw from the competition, a full refund minus a \$15.00 administrative fee is available until December 1, 2012. There will be no refunds after that date.

Because many law schools hold in-school competitions to select their representatives, specific competitor information is preferred but not necessary at the time of registration. All other fields on the registration form, however, must be complete and payment must be arranged. If not, the registration will not be valid. Specific competitor information must be supplied no later than December 1, 2012, or the spot is forfeited to a waitlisted team.

RULE III. COACHING

A. Timing.

Do not risk disqualification! Competitors are not allowed to receive any help on the problem before their brief is submitted (briefs are due January 11, 2013). Prior to the deadline, competitors may only discuss the problem with their teammate and no one else, including professors, coaches, students, colleagues, or any other individual.

Only after the briefs have been submitted and pursuant to the restrictions outlined below, may competitors receive assistance from coaches in preparation for the oral rounds.

B. Restrictions.

Competitors may not receive any coaching, advice, or assistance from individuals who:

1. Are involved with the writing of the 2013 Appellate Moot Court Competition problem; or
2. Are serving as a judge for the 2013 Appellate Moot Court Competition.

The burden of determining coaching eligibility rests on the competitors. Therefore, competitors should first inquire whether a would-be coach was involved in authoring the problem or if they will be a judge for the 2013 Appellate Moot Court Competition.

C. During the Competition.

Every effort is made to make NALC as fair as possible. Consequently, judges and competitors may not observe any rounds other than those in which they are participating. Only individuals affiliated with the competing team (ex. coach, family member, etc.) may observe a particular round. Spectators must sign into the competition room and provide his or her affiliation. An honor system is in place to ensure individuals not affiliated with a team (ex. another team's coach or

family member) do not observe that round.

D. Communication with Judges.

During the competition, competitors and coaches may not discuss the rules, problems, cases, strategy, or scoring, and may not receive any advice, feedback, or coaching from the Appellate Moot Court Competition judges. Competitors will receive feedback by the judges' panel immediately after each round; this is the only exception to the rule.

RULE IV. COMPETITION PROBLEM

A. Distribution and Components.

The problem, which consists of the Memorandum Opinion and the Briefing Order, is posted on the NALC website, under "Problems." Please visit: www.NationalAnimalLawCompetitions.org

B. Questions and Competition Administrators.

Contact Competition Administrator Pamela Frasch at pfrasch@lclark.edu with questions. Be sure to read both the problem and the rules in their entirety before requesting clarification. Also be sure to refer back to the rules from time to time prior to the competition. Ms. Frasch will not respond to questions that are answered in the rules and, if needed, can only provide minimal clarification on the problem. *See also* Rule VIII.

Please note, Ms. Frasch works closely with fellow Competition Administrator Liberty Mulkani. Competitors will be receiving communications from both prior to and during the event.

RULE V. THE BRIEFS

A. General.

The written brief is a crucial aspect of the Appellate Moot Court Competition. It constitutes 30% of the preliminary round score and also serves as the determining factor in the event of a tie. See Rule VI. Therefore, competitors should strive to turn in the very best product possible. Note that a special award is given to for Best Brief.

Each team will write only one brief, which must be written by those arguing the problem. *See* Rule II (B). Teams will choose whether they will write for Appellant or Respondent, but will argue both sides of the problem during the preliminary rounds. *See* Rule VI (D) (2). The use of work product by **any** person other than a teammate in preparing the brief is strictly prohibited. Prior to submitting the brief, competitors may not receive assistance from anyone. *See* Rule III (A).

B. Length and Form of Briefs.

1. **Content of Briefs.** Briefs must contain, under appropriate headings and in the order indicated:
 - a. a table of contents, with page references;
 - b. a table of authorities – cases (alphabetically arranged), statutes, and other authorities – with references to the pages of the brief where they are cited;
 - c. a statement of the issues presented for review;
 - d. a statement of the case briefly indicating the nature of the case, the course of proceedings, and the disposition below;
 - e. a statement of facts relevant to the issues submitted for review;
 - f. a summary of the argument, which must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief, and which must not merely repeat the argument headings;
 - g. the argument, which must contain:
 - i. the parties' contentions and the reasons, including any public policy considerations, for them, with citations to the authorities and parts of the record on which the appellant relies; and
 - ii. for each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues); and
 - h. a short conclusion stating the precise relief sought.
2. **Form of Brief.**
 - a. **Cover.** The cover of the appellant's brief must be blue; the appellee's, red. The front cover of the brief must contain:
 - i. the number of the case centered at the top;
 - ii. the name of the court;
 - iii. the title of the case;
 - iv. the nature of the proceeding (e.g., Appeal, Petition for Review) and the name of the court, agency, or board below;
 - v. the title of the brief, identifying the party or parties for whom the brief is filed; and
 - vi. the official team number provided by the Competition Administrator. No names of individual team members or law schools shall appear anywhere in the brief.
 - b. **Paper, Line Spacing, and Margins.** The brief must be formatted for 8½ by 11-inch paper. The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least one inch

on all four sides. Page numbers may be placed in the margins, but no text may appear there.

- c. **Type Styles.** The brief must be set in plain, 12-point Times New Roman font, although italics or boldface may be used for emphasis. Case names must be italicized or underlined.
 - d. **Length.** The total length of the brief, excluding the Cover; Table of Contents; Table of Citations (Table of Authorities); and Appendices, may not exceed thirty (30) pages.
 - e. **Citations.** All citations shall be contained within the text, not in footnotes. All footnotes (for explanatory information only) shall be in 11-point Times New Roman font, single-spaced. All citations shall be complete and in the form prescribed by the latest edition of the Harvard Law Review Association's *The Bluebook: A Uniform System of Citation* (Bluebook).
 - f. **Citation Permitted.** A court may not prohibit or restrict the citation of federal judicial opinions, orders, judgments, or other written dispositions that have been designated as "unpublished," "not for publication," "non-precedential," "not precedent," or the like.
 - g. **Law Reviews or Other Articles.** Law reviews or other articles unpublished at the time a brief or memorandum is filed may not be cited therein, except with permission of the Competition Administrators.
 - h. **Appendices.** Appendices may be used to recite the text of statutes, constitutional provisions, regulations, and materials that are not generally available.
3. **Number of Briefs.** Each team shall submit a total of one (1) electronic copy of its brief. The electronic copy shall be contained in a single PDF file and prepared according to the specifications provided herein. No hard copies of the brief shall be submitted.
 4. **Certification.** Each team shall certify that its brief was prepared in accordance with these rules and that the work product is solely that of the team's members. The certification shall not appear in the electronic submission but shall be sent separately in hard copy form to Pamela Frasch.

The certification shall state:

We hereby certify that our brief is the product solely of the undersigned and that the undersigned have not received outside assistance of any kind in connection with the preparation of our brief.

Team Member A Signature

Team Member A Name

Date: _____

Team Member B Signature

Team Member B Name

C. Service of Briefs and Certification.

1. Service Upon the Competition Administrator.

Briefs must be submitted as follows:

- a. Each team shall submit an electronic copy of their brief by 12 p.m. (PST) on Friday, January 11, 2013. The electronic submission, which shall consist of a single PDF file, shall be sent as an email attachment to pfrasch@lclark.edu.
- b. Each team shall also submit a hard copy of the original certification, signed by both members. To avoid penalty, the hard copy of the certification shall be postmarked no later than Friday, January 11, 2013, and shall be mailed to:

Pamela Frasch, Competition Administrator
Center for Animal Law Studies
Lewis & Clark Law School
10015 S.W. Terwilliger Blvd.
Portland, OR 97219

2. Service of Briefs on Opposing Teams.

All team briefs will be posted on the NALC website. Briefs will be accessible by clicking on a team's number.

3. Revision of Briefs.

Briefs may not be revised after submission.

RULE VI. SCORING

A. Briefs.

A well-written brief is crucial to the Appellate Moot Court Competition. See Rule V (A). A panel of experienced scholars and/or practitioners shall score all briefs submitted. The panel will determine the overall best brief, earning its authors the Best Brief award announced at the awards ceremony on Sunday afternoon.

The brief score shall be combined with the preliminary round scores to help determine advancement to the semi-final round.

Total brief scores will be calculated by:

1. Averaging the scores of three separate graders reading only for content, with the average comprising 80% of the final score; and then
2. Adding in the points awarded by a fourth grader reading only for grammar, format, citations, spelling, syntax, etc., with points comprising 20% of the final score.

Stated otherwise, briefs are weighted as follows:

1. 80% - Content: Thoroughness of research, depth of analysis, persuasiveness of argument, clarity of writing, inclusion of public policy, etc.
2. 20% - Formatting, correct Bluebook citation, spelling, punctuation, capitalization, length, proper certification, ability to follow requirements, etc.

B. Rounds.

The schedule for the preliminary rounds will be posted on the NALC website sometime after registration closes. Teams will be notified via email when it is posted. The schedule, however, is subject to change at any time. Each team will compete in two preliminary rounds and will receive comments and feedback from judges at the close of each round. Teams may not witness the rounds of other competitors until the final round, which will be open to competitors, coaches, and the public.

Four (4) teams will progress to the semi-final round.

C. Advancement to final rounds.

At the conclusion of the two preliminary rounds, a total score for each team will be calculated. The total score will be calculated as follows:

30% - based on the team's total brief score.

35% - based on the first preliminary round.

35% - based on the second preliminary round.

The combined oral score for each team in a particular preliminary round is the total of the scores received by each team member by the three (3) judges of that round.

The four (4) teams with the top total scores will advance to the semi-final rounds. In the event of a tie, the team with the greater number of "wins" from the judges in the preliminary rounds will advance. Any persisting tie will be decided by the teams' brief scores.

Pairings and team sides for the semi-final & final rounds will be randomly assigned. Winners of the semi-final and final rounds are determined solely by scores from that round. Scores from the briefs and preliminary rounds are not included in this determination, except in cases where there is a need to implement a tie-breaking mechanism.

D. Order, Timing, and Results of Arguments.

1. Time Allowed for Arguments.

Oral argument shall be limited to a total of thirty (30) minutes per team, fifteen (15) minutes for each team member, except as discussed below. Judges, at their discretion, may interrupt arguments to ask questions but may not allow additional time, except that judges may allow a few seconds at the end of an argument to finish answering a question and/or to briefly conclude. If allowed to conclude after time has expired, competitors must finish within ten (10) seconds.

The appellant team, by advance stipulation, may reserve up to five (5) minutes for rebuttal. Rebuttal time may be subtracted from either or both of the two (2) arguing team members' time allotment. **Example:** Team Member A may argue for 14 minutes and Team Member B may argue for 13 minutes, thus reserving a total of 3 minutes for rebuttal by one (1) team member. Only one (1) team member may rebut. The first team member to present must tell the timekeeper how much time to reserve in advance, and must also tell the court during his or her introduction.

At the commencement of each round, the competitors will be allowed a few moments to prepare. Competitors will relay whether they would like all available time warnings (seven (7), five (5) and three (3) minute marks). They may request fewer. When everyone is ready, the bailiff or timekeeper will announce that the first party may begin.

The bailiff or timekeeper will display a green card until only one (1) minute remains of the competitor's allotted time. Additional signals will be given as relayed by the competitor at the start at the seven (7), five (5) and three (3) minute marks. When one (1) minute remains, a yellow card

will be displayed. When the competitor's time has expired, a red card will be displayed, signaling that the competitor must conclude promptly.

2. Order of Arguments. The order of the arguments will be as follows:

First Round:

Teams argue for Respondent or Appellant as listed in the schedule

Second Round:

Teams argue for Respondent or Appellant as listed in the schedule

During the Round:

Team X, Member A argues first issue

Team X, Member B argues second issue

Team Y, Member A argues first issue

Team Y, Member B argues second issue

Team X, Rebuttal

3. Scoring Arguments.

The arguments will be scored by a panel of three (3) judges. Judges will consider a variety of factors including organization, preparation, courtroom presentation, handling of questions, and legal reasoning.

4. Results.

Teams will receive oral feedback at the end of each round. An announcement will be made at the Saturday evening event regarding which teams will advance to the semi-final rounds. Finalists will be announced shortly after the semi-final rounds conclude. Winners of the competition will be announced during the awards ceremony, following the final round on Sunday. Competitors' names and photos (unless otherwise instructed) may be posted on the NALC website.

RULE VII. AWARDS

The winning team of the competition will receive two individual plaques, as well as a plaque for display by their law school. The team placing second will receive two individual plaques. The two semi-finalist teams will receive individual certificates. There will be additional individual certificates given for the best oral advocate as well as for the team with the best brief.

RULE VIII. PENALTIES.

Penalties, including disqualification, may be assessed for failure to comply with the rules or deadlines set pursuant to these rules.

RULE IX. INTERPRETATION OF THE RULES

Requests for interpretation of these rules should be made at the earliest date possible. Competitors will receive prompt notification of any new rules, as well as revisions to or interpretations of existing rules. All competitors shall be bound by any changes, effective at the time of notification.

The Center for Animal Law Studies at Lewis & Clark, in collaboration with the Animal Legal Defense Fund, wishes you a fun and productive 2013 Appellate Moot Court Competition. Best of luck to all competitors!

