

**NATIONAL NATIVE AMERICAN LAW STUDENTS
ASSOCIATION ANNUAL MOOT COURT COMPETITION
OFFICIAL RULES**

(As Amended by the NNALSA Executive Board, October 20, 2012)

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Mission Statement:

The National Native American Law Students Association (NNALSA) was founded in 1970 to support Native American students in law school and promote the study of federal Indian law, tribal law, and traditional forms of governance. We strive to reach out to Native American communities, encourage Native Americans to pursue legal education, and educate the legal community about Native American legal issues.

SECTION 1 – PURPOSE

RULE 1.1 – Promoting the Objectives of the Mission Statement

The purpose of the NNALSA Moot Court Competition is to create opportunities to promote the objectives of the NNALSA Mission Statement, actively encourage the development of the oral advocacy and brief-writing skills of NNALSA members, as well as enhance substantive knowledge in the fields of federal Indian law, tribal law, and traditional forms of governance.

RULE 1.2 – Continued Involvement

NNALSA strongly encourages all Moot Court participants to actively participate in NNALSA activities as a student and beyond graduation in order to further the purpose outlined above.

SECTION 2 – GENERAL ADMINISTRATION

RULE 2.1 – Competition Administration

The competition is operated by a host school. The host school is chosen through the bidding process outlined in Section 12.

RULE 2.2 – Duly-Enacted Competition Rules

These rules have been duly enacted by the NNALSA Executive Board (“Executive Board”) as the official rules.

RULE 2.3 – NNALSA Vice President as Competition Administrator

The Executive Board vests authority in the NNALSA Vice President as the Competition Administrator who shall administer the competition and these rules in partnership with the host school, and shall not compete while serving as administrator of the competition.

RULE 2.4 – NNALSA Moot Court Rules Committee

a. The Rules Committee shall consist of not fewer than four Executive Board members and one representative from the host school. The representative from the host school shall be appointed by the host school. Members of the Rules Committee shall be present at the competition, but may not compete.

b. The Rules Committee becomes exclusive to those outlined in Rule 2.4(a) when the competition is “active.” The competition is considered “active” from the date of the problem release until the conclusion of the competition. During this time, the Rules Committee is limited to interpreting the rules and cannot amend the rules, except as permitted by Rule 3.4. When the competition is not active, the host school representative is no longer a member of the Rules Committee, and all members of the Executive Board may amend the rules.

c. The Rules Committee is charged with interpreting the rules, responding to grievances, and resolving operational issues. The Rules Committee shall operate by consensus. When the competition is active as outlined in Rule 2.4(b) and no consensus can be reached, the Competition Administrator alone shall decide.

d. All questions posed to the Rules Committee, as well as answers and decisions of the Rules Committee, shall be posted to the NNALSA and host school websites.

e. The decisions of the Rules Committee and/or Competition Administrator shall be final.

SECTION 3 – AUTHORITY

RULE 3.1 – Assessing Penalties and Disqualifying Teams

The Rules Committee shall have sole and final discretion regarding the issuance of penalties and/or disqualification of teams for violating these rules.

RULE 3.2 – Interpreting these Rules

The Rules Committee has sole discretion to interpret these rules. All requests for rule interpretation must be directed to the Competition Administrator. All answers will be posted on the NNALSA and host school websites. All decisions are final.

RULE 3.3 – Substantive Inquiries Concerning the Problem

The Rules Committee, through consultation with the problem author, will be responsible for all substantive inquiries about the problem. All inquiries must be directed to the Competition Administrator at least 7 days before oral arguments. All answers will be posted on the NNALSA and host school websites. All decisions are final.

RULE 3.4 – Amending these Rules

The Rules Committee and the host school (by way of consultation with the Rules Committee) reserve the right to make any necessary changes to ensure the fairness, efficiency, and appropriate administration of the competition. All such changes shall be posted on the NNALSA and host school websites.

SECTION 4 – INDIVIDUAL ELIGIBILITY

RULE 4.1 – Who Can Compete

Each competitor must (a) be pursuing a law degree; (b) be enrolled at an eligible institution as a full-time or part-time student during the relevant academic year and plan to participate in the competition on behalf of that institution; and (c) have not practiced law in any jurisdiction after graduating from any type of law degree program.

RULE 4.2 – NALSA Chapter Members

Competitors must meet all of the following eligibility requirements:

- a. Competitors must be in good standing with National NALSA, their local NALSA chapter and their law school.

- b. Competitors must meet all financial obligations of membership in NNALSA as well as their local NALSA chapter before the brief submission deadline or they will be disqualified. NNALSA membership dues must be submitted to the NNALSA Treasurer. If there is no local NALSA chapter, refer to Rule 4.3.

- c. Competitors must be active members of NNALSA and their local NALSA chapter. In

their team's registration packet, each competitor must submit a letter from their local NALSA chapter President and/or Secretary. The letter must attest to that competitor's participation in their local NALSA chapter and interest in advancing the Mission of NNALSA. If there is no local NALSA chapter, refer to Rule 4.3.

RULE 4.3 – Members without a Local Chapter

a. Students who do not have a local NALSA must:

1. Submit online NNALSA membership applications and dues by the submission deadline. The NNALSA Treasurer and the Competition Administrator will work with the host school to ensure all appropriate deadlines have been met and dues have been paid.

2. Submit the following with their submission:

I. Letter from the student attesting to their interests and activities which advance the objectives of the NNALSA Mission Statement. The letter must be no longer than 2 pages, double-spaced, all margins 1", and 12 point Times New Roman font.

II. Letter from the Dean, Associate Dean, or a professor at the student's law school, attesting to the student's interest or involvement in advancing the objectives of the NNALSA Mission Statement.

b. Admittance of students who apply under this rule is subject to review by the Rules Committee. Students will be notified of admittance status via e-mail within three (3) days of the receipt of the complete registration packet. The entire registration packet will be returned by postal service or notified by email if a team is not approved to compete.

SECTION 5 – TEAM ELIGIBILITY

RULE 5.1 – NALSA Chapter Status

Only law schools with active NALSA chapters may participate in the competition, with the exception of those outlined in Rule 4.3. "Active NALSA chapters" are chapters in good standing with NNALSA. Chapters with teams in the competition must submit their chapter dues to the NNALSA Treasurer before or all of their teams will be disqualified.

RULE 5.2 – Team Composition

a. Teams shall consist of two (2) students from the same law school who meet all individual eligibility requirements in Section 4. If a team cannot be assembled from the same school, the applicants must submit a letter requesting an exception to Rule 5.2 with

their registration packet. This letter will be reviewed by the Rules Committee for approval. It shall include a(n):

1. Explanation of why the exception is necessary.
2. Description of efforts to produce a team from the same school and why those efforts failed.

b. In the event the Rules Committee does not grant an exception, all registration materials will be returned via postal service. If an exception is granted, the team will be notified via e-mail.

RULE 5.3 – Submitting Registration Materials

Each team must submit a complete registration packet to the host school by the deadline. The registration packet must include: the registration form, payment of the entry fee, and any additional requirements. With the exception of Rule 5.2, all applicants are reminded to send NNALSA membership applications, individual dues, and chapter dues to the NNALSA Treasurer before the brief submission deadline in accordance with Rules 4.2 and Rule 5.1.

RULE 5.4 – Team Identification Numbers

a. When the host school receives complete registration packets, the host school will assign a number to each team and notify them of their number by e-mail. The assigned number will be the sole method of identifying the team during the competition. Competitors may not divulge their law school affiliation to oral argument judges before the conclusion of the final round. This rule does not preclude disclosure of the competitor's names to the oral argument judges at any time.

b. Teams assigned an even number will write a brief on behalf of the Appellants/Petitioners. Teams assigned an odd number will write a brief on behalf of the Appellees/Respondents.

RULE 5.5 – Team Withdrawal

Teams may withdraw from the competition by submitting an e-mail message to the Competition Administrator of the host school at least 48 hours before the preliminary oral argument rounds. Teams that withdraw after that time or do not appear in a timely manner for oral argument rounds will be assigned a score of zero for that round.

RULE 5.6 – Team Member Substitution

There will be absolutely no substitution of team members after the brief has been filed.

SECTION 6 – DISQUALIFICATION

RULE 6.1 – Grounds for Disqualification

Teams may be disqualified from the competition by a unanimous vote of the rules committee. Grounds for disqualification include, but are not limited to: exhibiting blatant disregard for the procedures or requirements outlined in these rules, compromising the anonymity of the competition, plagiarism, intimidation, unwarranted contact with competition judges concerning the competition, poor sportsmanship, submitting multiple, frivolous claims against other teams, and conduct otherwise unbecoming of the NNALSA mission.

SECTION 7 – TEAM COACHES

RULE 7.1 – Restrictions

- a. Team coaches may participate in preliminary and general discussions of the problem or issues presented, judge practice oral arguments, and give critiques, strategy advice, or feedback to team members only after the brief submission deadline.

- b. Team coaches may not serve as competition judges or help prepare the competition problem.

- c. During the preliminary rounds, team coaches may observe only rounds in which their teams are participating.

SECTION 8 – BRIEFS

RULE 8.1 – Format

- a. Briefs shall be no longer than 36 double-spaced pages, formatted for standard 8.5” x 11” paper. Margins must be 1 1/4 inch on the left and 1 inch on the right, top, and bottom, including footnotes. Indented quotations may be single-spaced.

- b. Typeface must be 12 point Times New Roman font.

- c. Footnotes may be 10 point Times New Roman font. Footnotes may not be employed to compress more than a reasonable amount of material into 36 pages. Excessive or

abusive use of footnotes will be penalized as outlined in Rule 8.5(b).

d. Covers pages must conform to the relevant United States Supreme Court rules regarding form except that only the team's identification number shall be used and no names, addresses, or school affiliations shall be disclosed. The brief shall not be signed.

e. Each brief shall have the following sections in this order: table of contents; table(s) of authorities; questions presented; statement of the case (subdivided into a statement of the proceedings and a statement of the facts); summary of argument (optional); argument; and conclusion. Only the language of applicable constitutional provisions, statutes, or regulations may be included in appendices. The 36-page limit prescribed in Rule 8.1(a) does not include the table of contents, table(s) of authorities, or appendices.

f. Briefs cannot contain team members' names or schools. In addition to their briefs, teams must file a signed certificate of service (on a separate piece of paper) indicating their names, addresses, team identification number, and filing date. Briefs received without a certificate of service will be deemed to not have been filed. No reply brief is permitted.

g. Citations must conform to rules in either the latest edition of The Bluebook, a Uniform System of Citation or the current edition of the Association of Legal Writing Directors Citation Manual (ALWD). Only one form of citation rules can be used within one brief.

RULE 8.2 – Service

a. Each team's brief must be submitted online in .pdf format by the brief submission deadline as set forth in Rule 13.6(c). Briefs from teams from the same law school must be submitted separately.

b. A team may not, for any reason, revise its brief after submission to the competition.

c. All briefs will be posted on the host school's moot court competition website at least two (2) weeks prior to oral arguments. Judges will be under no obligation to read them. Competitors are strongly discouraged from referring to passages in the other competitors' briefs during oral arguments.

RULE 8.3 – Preparation and Assistance

- a. Only team members can prepare and write briefs. Team members must strive to contribute equally to the brief writing and no one can prepare the brief by him or herself.
- b. Between the release of the problem and submission of the team's brief, no team may receive substantive or stylistic assistance, including assistance from or comparison with other competing teams.
- c. A team may receive secretarial or clerical assistance, provided that such assistance is strictly limited to typing, assembling, filing, and other logistical preparation of the brief.
- d. This rule does not preclude a faculty advisor or sponsor from selecting students to form a team, provided that each team member participate in preparing and writing the brief and follow Rule 8.3(b) regarding substantive or stylistic assistance.

RULE 8.4 – Scoring

- a. Each brief will be anonymously scored by a panel of three judges selected by the host school.
- b. Brief judges may not judge any team's practice rounds or otherwise discuss the problem with participants, team faculty advisors, coaches, or other persons directly associated with preparing teams for competition.
- c. Each brief judge shall spend the same amount of time on each brief and shall meet all deadlines imposed by the host school.
- d. Brief scores will be tabulated according to Appendix A: Brief Score Sheet. Scores from each judge will be averaged for the final brief score.

RULE 8.5 – Penalties

- a. Briefs longer than 36 pages will be given a score of zero.
- b. Excessive or abusive use of footnotes will be penalized 5-10 points.
- c. Briefs submitted after the brief submissions deadline will not be accepted. The team will be disqualified from the competition and forfeit their registration fee. No

membership dues will be returned.

d. Plagiarism will not be tolerated and is grounds for disqualification from the competition. Each member of the team assumes responsibility for the accuracy and content of their team's brief. The Executive Board and host school will report violations to the law school of the violating team.

e. Penalties for other rule violations in submission or format will be administered according to the procedures adopted by NNALSA.

SECTION 9 – ORAL ARGUMENTS

RULE 9.1 – Preparation and Assistance

Teams may prepare and/or practice their oral arguments and receive substantive and stylistic critiques and assistance (from anyone, including faculty members and members of other teams) only after they file their briefs.

RULE 9.2 – Recordings

Teams may make audio or video recordings of their oral argument rounds if they use their own equipment but no special accommodations will be made for those teams. At the end of the round, the bailiff will deliver the recording to the tabulation room where it will be held until the end of the competition. Recordings must be labeled only with the team identification number. Neither NNALSA nor the host school assumes any responsibility for loss or damage to the recording.

RULE 9.3 – Spectators

a. Space permitting, non-competitors, with the exception of team coaches (see Rule 7.1(c)), are allowed to watch any round of the competition. However, spectators are not allowed to share information with competitors or team coaches. Competitors are not allowed to ask for or receive information from spectators.

b. Until they are eliminated from the competition, competitors may not observe or receive any information about other teams' oral argument rounds. Competitors may not observe other teams' oral argument rounds during preliminary rounds even if they have a "bye."

c. Spectators shall take care not to disturb oral arguments while entering or leaving the room.

RULE 9.4 – Prohibited Behavior

- a. Team members shall not communicate with the oralist at the podium.
- b. Disruptive conduct at counsel table is prohibited.

RULE 9.5 – Time Limits and Rebuttal

- a. Time limits will be strictly enforced. Each team must argue for a total of 26-30 minutes. Each oralist must argue for at least 13 minutes and no more than 17 minutes. Bailiffs will serve as timekeepers and keep written time records. At the appropriate times, bailiffs will display cards and orally indicate when 5 minutes, 2 minutes, and 1 minute remain. Bailiffs will display a red “Stop” card and orally declare “Stop” when no time is remaining. Neither oralists nor judges are permitted to request or grant additional speaking time. Oralists and teams who go over or under the allotted time will be penalized in accordance with Rule 9.6, with evidence of time violations taken from the bailiff’s records.
- b. Appellant can reserve up to 4 minutes (included in the required 13-17 minutes outlined above in Rule 9.5(a)) for rebuttal and must notify the bailiff before the round and notify the court at the beginning of the round. Judges may not allow any additional time beyond the allotted 4 minutes. The purpose of a rebuttal is to respond to the Appellees’/Respondents’ arguments, and it is inappropriate to introduce new arguments. No surrebuttals by Appellees/Respondents are permitted. The whole rebuttal is to be argued by one oralist.

RULE 9.6 – Time Violations and Penalties

The bailiff’s time records will be used to tabulate penalties stemming from time violations.

- a. Oralists failing to speak for the requisite 13 minutes will be penalized 15 points for each minute under 13.

b. Oralists exceeding the 17-minute time limit will be penalized 15 points for each minute over 17.

c. Teams failing to speak for the requisite 26 minutes will be penalized 15 points for each minute under 26.

d. Teams exceeding the 30-minute time limit will be penalized 15 points for each minute over 30.

RULE 9.7 – Preliminary Rounds and Scoring

a. Each team will compete in at least two preliminary rounds.

b. During preliminary rounds, each team is required to argue the Appellants'/Petitioners' side at least once and the Appellees'/Respondents' side at least once. Sides for argument for the final preliminary round shall be determined by coin toss.

c. Teams shall be paired against different teams in each preliminary round.

d. Teams from the same school may be paired against one another only if no alternative is available.

e. Each team's oral argument round score shall be calculated according to the criteria set forth in Appendix B: Oral Argument Score Sheet.

f. Each team's cumulative preliminary score shall be the sum of that team's oral argument scores and final brief score as determined under Rule 8.4(d).

RULE 9.8 – Elimination Rounds

a. At the conclusion of the preliminary rounds, the 16 teams with the highest cumulative preliminary scores under Rule 9.7(f) shall advance to the elimination rounds. Teams will be seeded according to highest and lowest cumulative preliminary score as outlined in Rule 9.7(f). The team in first position (with the highest cumulative preliminary score) will be paired with the team in last position (the lowest cumulative preliminary score), and so forth so that the eighth position team will be paired with the ninth.

- b. In the elimination rounds, the team with the highest oral argument score shall be declared the winner.
- c. The eight teams that win in the first elimination rounds shall advance to the quarterfinal round. A coin toss shall determine which team decides whether to argue on or off brief, unless the teams have already argued against each other, in which case they shall argue the opposite sides from which they previously argued.
- d. The four (4) teams that win in the quarterfinal round shall advance to the semi-final round. A coin toss shall determine which team decides whether to argue on or off brief, unless the teams have already argued against each other, in which case they shall argue the opposite sides from which they previously argued.
- e. The two teams that win in the semi-final round shall advance to the final round. A coin toss shall determine which team decides whether to argue on or off brief, unless the teams have already argued against each other, in which case they shall argue the opposite sides from which they previously argued.
- f. The winning team of the final round shall be declared the competition winner.

RULE 9.9 – Availability of Score Sheets

At the conclusion of the final preliminary round, score sheets will be available from the Competition Administrator.

RULE 9.10 – Ghost Teams

The host school shall provide a ghost team. Before the conclusion of the competition, the identity of ghost teams will not be revealed to anyone except members of the host school's coordinating committee and the Rules Committee. Judges shall not be informed of the identity of the ghost teams.

SECTION 10 – AWARDS

RULE 10.1 – Announcement of Competition Results

- a. Results of the brief competition will be announced at the conclusion of the competition.

- b. The 16 teams advancing to the elimination round will be announced after the conclusion of the preliminary oral argument rounds.
- c. Except for the preliminary and final rounds, results of each round will be announced when all scores are received and tabulated.
- d. The winners of the final round will be announced at the conclusion of the competition.

RULE 10.2 – Awards

First, second, and third place awards shall be presented in the following categories:

- a. Best Advocate: Awarded to the top three (3) teams based as determined through competition.
- b. Best Brief: Awarded to the top three (3) briefs based on average brief scores.
- c. Best Individual Oralist: Awarded to the top three (3) oralists based on cumulative oral argument scores from the preliminary rounds.

RULE 10.3 – Award Trophies

The host school shall provide the award trophies for each award category.

SECTION 11 – GRIEVANCES

RULE 11.1 – Procedure

- a. The team or team member (“the complainant”) must complete Appendix C: Grievance Form. The complainant must clearly state the entire grievance or complaint in the space provided.
- b. The complainant shall submit a completed Grievance Form to the Competition Administrator either in person or via email within two (2) hours after the announcement of the 16 teams advancing to the elimination round. Any grievances during the elimination rounds should be made immediately to the Competition Administrator. No grievance forms will be accepted after the conclusion of the competition.
- c. The Competition Administrator will bring the complaint before the Rules Committee for a decision. The Rules Committee may request those involved to answer questions or

give information concerning the complaint. Any questions or information gathered must be done in the presence of the full Rules Committee.

d. The Rules Committee will make a decision in accordance with Rule 2.4(c). A decision will be made within a reasonable amount of time and the concerned parties will be notified. Decisions affecting the structure of the competition or causing a delay will be communicated promptly to all competitors, judges, and bailiffs. The decisions of the Rules Committee and/or the Competition Administrator are final.

SECTION 12 – HOST SCHOOL BIDDING PROCESS

RULE 12.1 – Solicitation of Bids

The Executive Board will accept bids at any time.

RULE 12.2 – Publication of Bids

Chapters are strongly encouraged to compile bid packages that are accessible via the NNALSA website. Chapters will have an opportunity to present their bid to the NNALSA general membership during the Annual Meeting.

RULE 12.3 – Content of Bid Packages

Bid packages shall include a letter from the prospective problem author as outlined in Rule 14.2(a) and a letter in support of the bid from the law school administration. Bid packages may contain details of pledged sponsorship, support from law school faculty and prospective judges, a description of law school facilities, areas of local interest, social events, and other relevant information. Host schools may choose run a Continuing Legal Education (CLE) program in conjunction with the competition.

RULE 12.4 – Procedure

At the NNALSA business meeting (during the NNALSA Annual Meeting), the Executive Board shall allow time for prospective host schools to announce their bids to the general membership. Prospective host schools are encouraged to professionally present and promote their bid packages to the membership in order to garner support for their bids.

a. The general membership will vote on host school bids according to procedures set forth by the Executive Board and/or the bylaws.

b. The President will announce the winning bid at the earliest official NNALSA event after the votes have been counted and recorded according to the Executive Board and/or the bylaws.

c. Once the bid has been awarded and before the end of the Annual Meeting, the host school and the Executive Board's Moot Court Committee will meet to discuss the administration, rules, and schedule of the competition.

SECTION 13 – HOST SCHOOL DUTIES

RULE 13.1 – Partnership with NNALSA

NNALSA and the host school and shall work together to ensure a successful competition.

RULE 13.2 – Host School Compliance with these Rules

The host school shall comply with these rules.

RULE 13.3 – Assistance from NNALSA

If the host school has difficulty meeting their objectives, deadlines, or goals, they shall contact the Competition Administrator, who shall immediately bring the problem to the attention of the Rules Committee. Together, the Rules Committee, Competition Administrator and host school will decide the course of action necessary to preserve the fairness and integrity of the competition.

RULE 13.4 – Orientations

The host school(s) are required to hold competitors', judges', and bailiffs' orientations at the start of the competition, in order to, among other things, clarify rules and answer any questions. The orientations are to be directed by Moot Court Rules Committee members who are NNALSA Board members. Competitors must be present at the orientation session.

RULE 13.5 – Guidebook

The host school shall keep a guidebook for planning and organizing the competition. Each host school will transfer the guidebook to the next bid winner at the Annual Meeting. At a minimum, the guidebook must contain the following:

- a. A list of all judges who participated in the competition, as well as judges who were contacted but unable to participate.
- b. A checklist of all host school actions and completion dates for those actions.
- c. A copy of all form letters used by the host school in connection with the competition.
- d. A timeline for completion of actions necessary to organize and operate the competition.
- e. A logbook of problems, challenges and successes encountered in organizing and operating the competition, as well as how each was overcome or attained.
- f. The host school's suggestions for improvement and success of the next competition.
- g. A complete and detailed report of the host school's budget and all fundraising efforts, including contact information for sponsors. The report should include a note regarding which efforts were most successful and why they were successful.
- h. Contact information for all members involved in planning the competition, including all professionals, especially those with expertise in Indian law, who were consulted or who gave advice on how to organize and operate the competition.

RULE 13.6 – Timeline

- a. The host school will announce the dates of the competition by August 15.
- b. The problem will be officially released on November 1.
- c. Briefs are due by the second Monday in January. Briefs must be submitted by this date as set forth in Rule 8.2(a).
- d. The host school shall release CLE information by December 15, if applicable.

SECTION 14 – PROBLEM

RULE 14.1 – Scope

The problem shall address timely issues in federal Indian law and/or tribal law and governance and must follow the format of a national moot court competition by providing an even number of issues that may be argued in an appellate court-like structure.

RULE 14.2 – Problem Author

a. The problem shall be authored by a full-time faculty member of the host school. The author shall have a Juris Doctorate degree and specialize in Indian law. The author shall submit a letter to the NNALSA membership announcing his or her intent to author the problem which must be included in the host school's bid package. The author is encouraged to participate in the bidding process outlined in Section 13.

b. If the author cannot fulfill the authorship duties, the host school shall replace the author with an alternate in accordance with the criteria in Rule 14.2(a). Both the author and the host school shall submit the substitution to the rules committee. The rules committee will then post the substitute author's letter of intent to the NNALSA and host school websites.

c. The host school, in conjunction with the author, shall choose a panel of at least three (3) of the author's peers to review the problem before the official problem release. The review panel may make comments and suggestions and the author shall have a chance to incorporate any changes, if he or she chooses, before the official problem release.

d. The author shall strive to draft a problem with issues evenly divided for team competition.

e. The author shall give the completed problem to a designated host school moot court committee member three (3) days before the official problem release. The designated member shall forward an electronic copy of the problem to the Competition Administrator two (2) days before the problem release. The designated member must make the appropriate arrangements with the host school's information technology department before the problem release to ensure that the problem is posted to the host school's website on the release date.

f. The author will write a 1-page suggested questions memorandum, which will be given to judges at their orientation session. The memorandum shall have an equal number of questions for Appellants/Petitioners and Appellees/Respondents.

RULE 14.3 – Bench Brief Author

a. The author of the bench brief shall preferably be the problem author. If the author cannot write the bench brief, the bench brief author shall have a Juris Doctorate degree and specialize in Indian law. The same panel that reviews the problem shall review the bench brief before it is disseminated to the oral argument judges.

b. The bench brief author shall not participate as a judge in the competition.

c. The bench brief shall be subject to the same formatting rules outlined in Rule 8.1.

d. The bench brief will be mailed via postal service or e-mail to the oral argument judges at least two (2) weeks before the first round of oral arguments.

e. The bench brief will also be given to judges at their orientation session.

RULE 14.4 – Confidentiality of Problem, Bench Brief, and Suggested Questions Memorandum

Before its official release, the problem will not be made available to anyone except the Competition Administrator and the non-competing members of the host school’s planning committee who are designated to receive the problem. Neither the bench brief nor the suggested questions memorandum will be available or shown to competitors, team faculty advisors, coaches, or other persons associated with preparing a team for competition until those documents are officially released by the host school after the competition and after the briefs have been returned to the teams.

SECTION 15 – JUDGES

RULE 15.1 – Selection Criteria

a. Competition judges must have passed a federal, state, and/or tribal bar exam.

b. Competition judges must be judges, law clerks, professors, and/or practicing attorneys.

c. Team faculty advisors, coaches, or other persons directly associated with preparing the teams are ineligible to be competition judges.

RULE 15.2 – Judges’ Orientation Session

a. All oral argument judges must attend the judges’ orientation session administered by NNALSA and the host school, unless special arrangements are made with the host school.

b. The judges shall be oriented to the facilities, instructed on rules and scoring procedures, and given copies of the bench brief.

RULE 15.3 – Recusal of Oral Argument Judges

a. If a judge knows a competitor or feels for any reason that he or she will not be able to fairly and impartially judge a round, the judge shall recuse him- or herself at his or her own discretion.

b. If a judge decides to recuse him or herself, he or she shall immediately inform the bailiff before the round begins.

c. The bailiff will immediately notify the host school committee to promptly exchange judges.

RULE 15.4 – Judge’s Role

a. All oral argument rounds except the final round will be judged by a panel of three (3) oral argument judges selected by the host school. The final round shall be judged by a panel of no fewer than five (5) oral argument judges selected by the host school.

b. No judge serving as a full-time faculty member of the host school is permitted to judge a preliminary oral argument round where a team from the host school is participating.

c. Judges do not have discretion in authorizing time extensions. If the speaker exceeds the maximum time discussed in Rule 9.5(a), a mandatory penalty will apply as set forth in Rule 9.6.

{Appendices}