

2011 CHARLES W. FROESSEL MOOT COURT COMPETITION RULES

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The annual Charles W. Froessel Moot Court Competition is an intramural appellate court competition sponsored each year by the Executive Board of the New York Law School Moot Court Association to develop the art of appellate advocacy. The Competition affords participants an opportunity to put their research and writing abilities to a practical test, to present oral arguments in an atmosphere that simulates an appellate courtroom, and to become involved in unresolved and controversial areas of law.

I. ELIGIBILITY

All students, in good standing at New York Law School, including transfer students, who have completed twenty credits, may compete in the Froessel Competition.

II. ORGANIZATION

The Competition consists of three preliminary rounds and five advanced rounds. Traditionally, at least three judges preside over each oral argument. The judges are members of the bench, professors and alumni of New York Law School, prominent local attorneys, and members of the Moot Court Executive Board (in any number of combinations).

III. TEAMS

1. Composition of Teams and Registration

Each team consists of two students. Notification of the composition of teams (including names, addresses, graduation date and telephone numbers) must be submitted to the Froessel Co-Chairs whenever changes occur.

2. Substitution in Membership of Teams

No substitution of team members is permitted. If one teammate withdraws and the other partner wishes to continue, the Froessel Co-Chairs will reassign a partner. Only in such a case where no replacement partner can be found will a competitor be allowed to submit a brief alone.

IV. BRIEFS

Each team member must contribute equally to researching and writing the brief. No one may obtain any assistance from a non-team member in researching, writing, proofreading, or typing the brief, although any computer-aided assistance is permitted. By filing the brief, each competitor certifies compliance with this rule. Each team may elect to serve as counsel for petitioner or respondent when preparing its brief. Teams need not notify the Froessel Co-Chairs regarding which side they have chosen.

1. Length and Format

(a) Briefs. Each team shall prepare four (4) typewritten copies of its brief. The brief shall have pages measuring 8½" x 11". It must be double spaced (except for point and sub-point headings and footnotes, which must be single spaced), and each page may contain no more than 28 lines. Single-spaced footnotes, which may not contain substantive arguments, count as two lines and thus reduce the overall length of the brief accordingly. All briefs must have (1") one inch margins on all pages. **ONLY COURIER NEW 12 FONT TYPE MAY BE USED. THE TEXT OF THE ARGUMENT SECTION OF THE BRIEF MUST NOT EXCEED 22 PAGES.** All briefs, including the cover pages, must be submitted on plain white paper. All briefs must be stapled in three places along the left-hand margin; no other binding is permitted.

(b) Format. Briefs shall follow the format of the United States Supreme Court, except that there need not be any formal statement of jurisdiction. The briefs must include, in the following order:

- (1) cover page;
- (2) question(s) presented;
- (3) table of contents (with point headings, etc.);
- (4) table of authorities;
- (5) brief summary of the opinion(s) below;
- (6) statement or counter statement of the case;
- (7) summary of the argument;
- (8) argument (incorporating the point and sub-point headings) ; and
- (9) conclusion (with non-identifying endorsement)

Sample briefs from past competitions are on reserve in the New York Law School Mendik Law Library and one can be found online as well. All citations **MUST** be in the form prescribed in *The Bluebook: A Uniform System of Citation* (19th ed.).

(c) Cover Page and Signatures. The cover page of each brief must conform to the rules of the United States Supreme Court. In no case shall the name of any competitor appear anywhere in or on the brief; any brief with a name will be disqualified. Briefs must not be signed. The team number assigned to the team should appear on the lower right corner of the cover of the brief, but no where else on the brief.

2. Service of Briefs

Each team shall serve four (4) hard copies of its brief on the Moot Court Executive Board starting at 12:00 p.m. through 9:00 p.m., Sunday, August 7, 2011, and one (1) additional copy to froesselmoot@nyls.edu prior to the 9:00 p.m. deadline on August 7, 2011. The official time is kept by the clock on the wall in the Moot Court office. Service must be made at the Moot Court Association Office, 40 Worth Street, Room B310. Failure to submit all four copies will be considered insufficient service (See Rule IV (3)). Copies of each teams' brief will be posted approximately one week service of the briefs on August 7, 2011.

If necessary, teams may serve four (4) copies of their brief via regular mail, which must be postmarked prior to the 9:00 p.m. deadline on August 7, 2011, and one (1) additional copy to froesselmoot@nyls.edu prior to the 9:00 p.m. deadline on August 7, 2011. Teams shall not place a return address or name on the mailing; team numbers are acceptable only.

3. Failure to Comply with any Rule or Deadline

Under no circumstances will any brief be accepted after 9:00 p.m., Sunday, August 7, 2011.

Five points will be deducted for each page of the argument section that exceeds the page limit of 22 pages. Additional points will be deducted for each other violation of Rule IV(1)(a). Moreover, the substance of the argument beyond the page limit will not be considered in grading. The Executive Board may assess any other penalties it may deem reasonable in its sole discretion for any failure to comply with the rules or deadlines of the Competition.

4. Revision of Briefs

A team may not revise its brief after the deadline for submitting the briefs.

5. Scoring of Briefs

Executive Board officers shall grade all briefs to determine, in conjunction with scores for oral argument, which participants advance to the post-preliminary rounds. If a competitor's name appears anywhere in or on the brief, the team will be disqualified. Any other matter serving to identify an author of a brief will be excised before grading, and all briefs will thereafter be graded and identified only by number. The brief score will be allocated to each member of a team to determine whether that participant will advance to the post-preliminary ("advanced") rounds.

V. ORAL ARGUMENTS

1. General

- (a) All competitors may receive any assistance they wish for oral argument.
- (b) In the event of a tie in any round, the competitor who has the higher brief score will win the round.
- (c) No competitor may watch any other Froessel competitor's oral round until the competitor has been eliminated from the Competition.

2. Preliminary Rounds

- (a) **Format and Scheduling.** The preliminary round argument schedule will be posted on the Bulletin Board outside the Moot Court Office and Room B-310, by 12:00 p.m., Friday, August 26, 2011. The schedule will notify competitors of the side and issue they will be arguing. Oral arguments will commence on Wednesday, September 14, 2011. The preliminary round arguments will take place through Thursday, September 15, 2011. Brief scores and oral-argument scores will each count for fifty percent in the Preliminary Rounds. During the Preliminary Rounds, each competitor will be required to argue both issues for Petitioner and for Respondent. Each competitor is required to be fully conversant with all the facts of both issues. Competitors will be designated to argue a specific issue arising in the fact pattern during each of their three preliminary round arguments. Thus, each competitor will argue three of the following four possibilities: Issue A for Petitioner, Issue B for Petitioner, Issue A for Respondent, Issue B for Respondent.
- (b) **Scoring.** Each team member will be graded separately for oral argument. Scores are based on qualities including knowledge of the material, persuasiveness of argument, deference to the court and style of presentation.
- (c) The judges' evaluation of the oral argument presented will not be affected by their personal views of the merits of the case at bar. At the end of each argument, and following a meeting of the judges, the judges will give the participants comments on their performance. Judges will not disclose individual scores.

3. Advanced Rounds

(a) Double Octo-final Rounds

The Double Octo-final Rounds will consist of the 64 individual competitors who have accumulated the highest point total during the scoring of the three preliminary rounds. The point total of the Double Octo-final Rounds consist of 60% of the competitor's oral-argument score plus 40% of the competitor's brief score.

(b) Octo-final Rounds

The Octo-final Rounds will consist of the thirty-two individual competitors who have accumulated the highest point total following the scoring of the Double Octo-final Rounds. The point total of the Octo-final Rounds consists of 70% of the competitor's oral-argument score plus 30% of the competitor's brief score.

(c) Quarter-final Rounds

The Quarter-final Rounds will consist of the sixteen individual competitors who have accumulated the highest point total in the Octo-final Rounds. The point total of the Quarter-final Rounds consists of 80% of the competitor's oral argument score plus 20% of the competitor's brief score.

(d) Semi-final Rounds

The Semi-final Rounds will consist of the eight quarter-finalists who have accumulated the highest point total in the Quarter-final Rounds. The point total of the Semi-final Round consists of 100% of the competitor's oral-argument score. Brief score counts only in case of a tie.

(e) Final Round

The Final Round will consist of the four semi-finalists who earned the highest point score in the Semi-final Rounds. The winner of the Final Round will be determined by a vote of the judges who preside over the Round and will be based only on oral argument. Brief score counts only in case of a tie.

4. Pairings for Post-preliminary Rounds

For all post-preliminary rounds, the Froessel Co-Chairs will notify individual competitors of their co-counsel and the side and issue each competitor will argue.

5. Argument Time, Order, and Rebuttal

Each individual speaker will be allowed fifteen minutes argument time. Each competitor must speak for a minimum of ten minutes. If a competitor speaks for less than ten or more than fifteen minutes without permission from the Chief Justice, points will be deducted. Judges will be encouraged to engage participants in dialogue. One speaker, from petitioner's side only, may reserve up to three minutes for rebuttal. The time reserved for rebuttal will be subtracted from either speakers' time. Before each argument the team representing petitioner must inform the clerk how much time, if any, will be reserved for rebuttal. When the clerk signals to a speaker that time has expired, the participant MUST, except with the permission of the bench, conclude the presentation.

VI. INTERPRETATION OF THE RULES

(a) All inquiries as to the meaning and scope of the Rules of the Fact Pattern MUST be served in writing on the Froessel Co-Chairs. All inquiries must contain the request and the name and

telephone number of the competitor who submits the request. All inquiries will be answered at the Chairpersons' discretion. The answer will be emailed to all competitors. No inquiries concerning the Fact Pattern may be submitted after 8:00 p.m., Monday, August 1, 2011.

(b) In its sole discretion, the Moot Court Executive Board reserves the right to amend all or part of the Rules of the Competition at any time and in any manner.

VII. AWARDS

Awards will be given to the winner of the Final Round and to all finalists. In addition, the Executive Board presents awards to the Best Team, Best Brief, and Best Preliminary Round oral Advocate. The Best Team is the team with the highest combined point total, including brief scores, after the three preliminary oral-argument rounds. The point total consists of 50% of the competitor's oral-argument score plus 50% of the competitor's brief score. The Best Preliminary Round Oral Advocate is the competitor who accumulated the highest oral-argument score in the three preliminary oral-argument rounds.

VIII. INVITATION TO THE ASSOCIATION

The Moot Court Executive Board has sole discretion to extend invitations for candidacy. All competitors who accept an invitation to candidacy must be in compliance with all membership requirements, office hours plus any others, in order to be eligible for invitation to membership in the Association at the end of one semester as a candidate. Compliance with the office-hour requirements is necessary to maintain membership, once membership has been granted. Office-hour requirements will be posted after the Competition. Members must also be prepared to aid in every aspect of the Wagner National Labor Law Competition in the Spring Semester. To compete in an intermural competition, a student must be a member of the Association during the semester in which the competition is held, unless the Executive Board deems otherwise. Members can earn up to six academic credits and satisfy their writing requirement by participating in Moot Court activities.