

ROBERT F. WAGNER
NATIONAL LABOR
&
EMPLOYMENT LAW
MOOT COURT COMPETITION

2012

COMPETITION RULES

NEW YORK LAW SCHOOL
MOOT COURT ASSOCIATION

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I. TEAMS

1. A maximum of two teams may represent each law school. If more than one team from a school is registered to compete, those teams shall not work together during the research, writing, or editing phases of the competition. However, teams from the same school may practice for oral argument together.
2. Competitors
 - a. Teams may consist of two or three students. All team members must participate in writing the team's brief.
 - b. Each team member must argue at least once in the preliminary rounds in order for the team to be eligible to advance.
 - c. No team member may hold a law degree. Team members must be matriculated in a full-time or part-time juris doctor program in the law school they represent.
 - d. No team member may be replaced after service of briefs without the express written consent of the competition chairs.
 - e. Only competitors who argue in at least two preliminary rounds will be considered for the Best Preliminary Round Oral Advocate Award.
3. Coaches and Advisors
 - a. Coaches and advisors may be students, faculty members, or outside legal advisors.
 - b. Coaches and advisors are only permitted to assist with oral argument preparation and may not, under any circumstances, aid in the writing of the brief.
 - c. All coaches and advisors are subject to the same rules as team members, except as explicitly stated in these rules.
 - d. Each team may have as many coaches or advisors as they wish.
4. Outside Assistance
 - a. Competitors may not receive assistance from coaches, advisors, school writing centers, practitioners, or faculty members during the research and writing process. Competitors may consult legal sources for the preparation of the brief.
 - b. Coaches and non-team members are prohibited from editing the brief's content and grammar.

II. BRIEFS

1. The competition chairs will randomly assign the side each team will write (i.e., Petitioner or Respondent). Teams also will be assigned a team number. Teams will be notified via e-mail regarding which side they will write and their team number on the date the fact pattern is released.
2. The United States Supreme Court Rules shall govern the format of the briefs, unless these competition rules indicate otherwise.
3. The team number assigned by the competition chairs should appear on the lower right-hand corner of each brief. Do not include team members' names anywhere on the brief.
4. The cover of the Petitioner's brief must be printed on blue paper and the cover of the Respondent's brief must be printed on red paper.
5. Formatting of the brief:
 - a. The typeface for the brief must be Times New Roman, twelve-point font.
 - b. All citations must be in the form prescribed by *The Bluebook: A Uniform System of Citation*, 19th ed.
 - c. The brief shall not include a formal statement of jurisdiction.
 - d. Pages must not exceed 8½ by 11 inches, with one-inch margins on all sides (excluding page numbers).
 - e. All pages must be double spaced, except for point or sub-point headings, footnotes and block quotations.
 - f. Pages must be printed single-sided.
 - g. Briefs must not exceed thirty-pages. This page limit does not include the cover page, table of contents, table of authorities, statement of the case, and appendices.
6. All pages must be paginated according to the Supreme Court of the United States Rules and Regulations.

III. SERVICE OF BRIEFS AND CERTIFICATION

1. Each team must submit to the Association a total of five hardbound copies of its final brief. All copies must be stapled.
2. Failure to conform to these provisions will result in a reduction of a team's brief score, under guidelines set by the competition chairs.
3. Any violation of anonymity in submitting briefs or during oral argument may result in disqualification from the competition.
4. Each team must serve its hardbound briefs in a single package by February 19, 2012, bearing a postmark on or before that date and addressed to the competition chairs.

New York Law School
Moot Court Association
Attn: Alexa Silverman & Lawrence Ziegelbaum
185 West Broadway
New York, NY 10013

5. An identical reproduction of the hardcopy brief (in PDF format) must be emailed to wagnermoot@nyls.edu before 11:59 p.m. E.T. on February 19, 2012. PDF versions of all competitor briefs will be made available on the Wagner Competition website by 11:59 p.m. E.T. February 26, 2012.
6. A Proof of Service and Certification (see below), which attest that five copies of the brief and the PDF version were timely served on the Association and the team has complied with all rules, must be included in the package containing the team briefs. A penalty of ten points will be deducted for failure to include either the Proof of Service or the Certification.
7. Ten points will be deducted from the total brief score for each day that a brief is late.
8. Briefs may not be revised after the service deadline.

IV. BRIEF SCORING

1. Brief scores will be handed out at Orientation on Wednesday, March 21, 2012.
2. If a representative from your team is unable to attend Orientation, you may request the information from either Lawrence Ziegelbaum or Alexa Silverman at any point during the competition.

3. Each brief will be scored by six judges of the Moot Court Association's Executive Board. The highest and lowest scores will be dropped, and the brief will be awarded an average of the remaining four scores.

V. ORAL ARGUMENT

1. All teams must argue in three preliminary rounds. In the first preliminary round, all teams will argue on brief. Teams will be randomly assigned to represent Petitioner or Respondent for subsequent rounds. Each team will argue at least once for Petitioner and at least once for Respondent. Oral Argument assignments, describing which side each team will argue for preliminary rounds, shall be distributed at the competition.
2. Teams must arrive at the designated assembly room at least thirty minutes before rounds are scheduled to begin.
3. Each team is allotted thirty minutes for oral argument. Each team may divide this time between two members as it wishes, provided that each oralist argues at least ten minutes. Failure to argue for at least ten minutes will result in a ten-point deduction from oralist's score. Each competitor will be given ten, five, three, and one-minute time remaining cards.
4. Petitioner has the exclusive right to rebuttal. Petitioner may reserve a maximum of five minutes for rebuttal by notifying the timekeeper before the judges enter the courtroom. Petitioner must also formally request rebuttal time from the Chief Justice of the Court at the beginning of Petitioner's argument. Failure to inform the timekeeper or the Court will be treated as a waiver of rebuttal. Rebuttal argument may be given by either team member representing Petitioner, and rebuttal time may be deducted from argument time allotted to both or one team members. Petitioner may waive rebuttal by informing the Chief Justice of the Court.
5. A team may request time and a half (22 min. and 30 sec.) for one participant to accommodate for disabilities or interpreters. Requests for such accommodations must be made by February 5, 2012. Requests are subject to the final approval of the competition chairs.
6. Teams may not identify their school to any judge or timekeeper during the competition. Intentional disclosure shall result in disqualification.
7. Spectators may attend oral arguments if there is sufficient space. The timekeeper of each round will make that determination based on the size of the room. No person affiliated with any team may attend an argument in which that team is not competing prior to that team's elimination.
8. Recording or taping any argument is prohibited.

9. Any team may object to a perceived relationship between its opposing team and the sitting bench, and must raise that objection before the argument begins. Failure to object before the argument commences constitutes a waiver of the right to object.
10. No props may be used for oral arguments.

VI. ORAL ARGUMENT SCORING

1. Each oral round will be judged by no less than three judges and scored in accordance with a standardized scoring sheet.
2. Total team scores will be based on a combination of brief and oral argument scores, consistent with the following rules:
 - a. **Preliminary Rounds:** The brief score will count for fifty percent (50%) of the total score. Oral scores will count for the other fifty percent (50%) of the total score. The highest and lowest scores of the oral argument will be dropped, and an average of at least seven judges scores will remain.
 - b. **Octo-Final Rounds:** The brief score will count for thirty percent (30%) of the total score. Oral scores will count for seventy percent (70%) of the total score.
 - c. **Quarter-Final Rounds:** The brief score will count for twenty percent (20%) of the total score. Oral scores will count for eighty percent (80%) of the total score.
 - d. **Semi-Final Rounds:** The brief score will count for ten percent (10%) of the total score. The oral scores will count for ninety percent (90%) of the total score.
 - e. **Final Round:** The total score will be determined solely on the basis of the oral argument score. The brief score will only count in this round in the event of a tie.
3. Oral argument scores will be available at the completion of each round, as per the request of the team.

VII. ADVANCED ROUNDS

1. The advanced rounds include:
 - a. **Octo-Final Round:** The top sixteen teams will be ranked based upon their total score and slated to compete based on a ranking system of teams 1 v. 16; 2 v. 15, etc.
 - b. **Quarter-Final Round:** The top eight teams will be ranked based upon their total score and slated to compete based on a ranking system of teams 1 v. 8; 2 v. 7, etc.

- c. **Semi-Final Round:** The top four teams will be ranked based upon their total score and slated to compete based on a ranking system of teams 1 v. 4; 2 v. 3.
 - d. **Final Round:** The top two teams will compete in the final round.
2. A coin toss shall determine which side (Petitioner or Respondent) each team will argue in the advanced rounds. All advancing teams shall partake in a coin toss immediately after the advancing teams are announced.

VIII. AWARDS

Awards will be given for the National Championship Team; Second Place team; top two Preliminary Round Oral Advocates; Best Final Round Oral Advocate; the top three Petitioner Briefs; the top three Respondent Briefs; and Best Preliminary Round Team. The total number of awards given is twelve (12). All Preliminary Round awards will be presented at the Wagner Banquet on Saturday, March 24, 2012.

IX. AUTHORITY OF THE ASSOCIATION

1. The competition chairs have the sole discretion to assess penalties or to disqualify teams for any failure to abide by any of the rules.
2. The competition chairs have the sole discretion to interpret and amend these rules. All requests for rule interpretations prior to the competition must be e-mailed to wagnermoot@nyls.edu by 11:59 p.m. E.T., Sunday, February 5, 2012. The competition chairs will respond to all teams via email. If any questions about the rules arise during the competition, they must be addressed to the competition chairs. All decisions made by the competition chairs are final.
3. The Wagner Authors have the sole discretion to answer substantive inquiries concerning the fact pattern. All such inquiries must be e-mailed from the requesting school to the Wagner Authors at wagnerauthors@nyls.edu by 11:59 p.m. E.T., Sunday February 5, 2012. Answers shall be sent to all competing teams. All decisions of the Wagner Authors are final.
4. The competition chairs have the sole power to resolve any disputes that may arise during the competition. All objections must be submitted in writing.
5. The competition chairs have the sole discretion to approve written refund requests on the basis of a team's inability to participate.
6. All correspondence must be mailed or emailed to:

New York Law School
Moot Court Association
Attn: Alexa Silverman & Lawrence Ziegelbaum
Wagner Competition Co-Chairs
185 West Broadway
New York, New York 10013
wagnermoot@nyls.edu

X. FACT PATTERN

Students and Faculty of the New York Law School and the Moot Court Association prepared the fact pattern, which is copyrighted material. The fact pattern may not be used for any purpose, except in connection with participation in the 2012 Wagner Competition, without the express written consent of the Association.

XII. DATES

1. The fact pattern will be posted on Sunday, January 8, 2012.
2. Team briefs must be submitted in accordance with the above rules by Sunday, February 19, 2012 at 11:59 p.m. E.T.

PROOF OF SERVICE

We certify that our team served seven copies of its brief and a PDF version of the brief in accordance with the rules of the 36th Annual Robert F. Wagner National Labor & Employment Law Moot Court Competition at New York Law School. A postmark date no later than 11:59 p.m. E.T., February 19, 2012, is evidence of a proper and timely service.

Law School Name

Team No.

Competitor 1 Name

Signature

Date

Competitor 2 Name

Signature

Date

Competitor 3 Name

Signature

Date

Coach Name

Signature

Date

Coach Name

Signature

Date

CERTIFICATION

We certify that we have complied with the rules of the 36th Annual Robert F. Wagner National Labor & Employment Law Moot Court Competition at New York Law School. This brief is the work product solely of the undersigned. The undersigned have not received any faculty or other assistance in researching or writing the brief other than assistance permitted by the rules.

Law School Name

Team No.

Competitor 1 Name

Signature

Date

Competitor 2 Name

Signature

Date

Competitor 3 Name

Signature

Date

Coach Name

Signature

Date

Coach Name

Signature

Date