

MOOT COURT ASSOCIATION

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**NATIONAL TELECOMMUNICATIONS
MOOT COURT COMPETITION
2008**

RULES

On Friday, February 1, and Saturday, February 2, 2008, the Fourteenth Annual National Telecommunications Moot Court Competition will be hosted by the Moot Court Association of The Catholic University of America, Columbus School of Law (CUA), the Institute for Communications Law Studies, and the Federal Communications Bar Association (FCBA). The National Telecommunications Moot Court Competition attempts to encourage law students with a particular interest in the field of telecommunications law to strengthen their appellate advocacy skills. The rules governing the Competition are set forth below.

I. ORGANIZATION OF COMPETITION & RESPONSIBILITIES OF MANAGEMENT AND PARTICIPANTS

A. GENERAL

1. The Steering Committee of the National Telecommunications Competition (Competition), which is comprised of certain members of the Moot Court Board of CUA, including the Vice Chancellor of the Competition (Vice Chancellor), the Director of the Institute for Communications Law Studies, and members of the FCBA, including the Co-Chairs of the Competition (hereinafter the Committee), will apply and enforce these rules with due consideration for the teams and the competition. The Vice Chancellor shall be responsible for the management of the competition. Any and all questions concerning the Competition shall be brought to the attention of the Vice Chancellor as soon as practicable.
2. Each team wishing to participate in the Competition shall submit a registration form containing the contact information for the team and school, together with an administrative fee of **\$325.00**.
3. In order to foster diverse competition, schools will be permitted to register a second team. No school may register more than two (2) teams to compete in the competition. An official law school moot court association team is given preference for selection to the

competition if space is limited. In the event that more than one (1) affiliated moot court association team seeks to register, the individual moot court association must determine which team is given preference. The additional team will be placed in the pool of non-affiliated moot court association teams from that school. In the event that a school seeks to register more than one (1) non-affiliated moot court association team, preference will be given to the team that returns their completed application first to The Catholic University of America, Columbus School of Law Moot Court Association.

4. Each team shall designate one representative to whom information and briefs may be sent and with whom questions and concerns may be discussed.
5. All competitors are bound by their law school honor codes with respect to their conduct under the Rules of this Competition. If a law school does not have its own honor code, it must abide by CUA's honor code.

II. DISTRIBUTION OF THE RECORD AND RULES

At least one copy of the Record and these Rules will be distributed to the representative designated by each team.

III. THE COMPETITION

A. ROUNDS

1. *PRELIMINARY ROUND*

The Competition will be held on two (2) consecutive days. During the preliminary round held on Friday, February 1, 2008, each team will argue on-brief only. There will be additional preliminary rounds held on Saturday morning, February 2, 2008, during which each team will argue on-brief and off-brief. Two members of each team must argue in each round (See Format of the Oral Arguments, *infra* page 7).

2. *SEMI-FINAL AND FINAL ROUND(S)*

The top four (4) teams after the preliminary rounds will advance to the semi-final rounds. Scoring for the semi-final rounds is solely on the basis of the semi-final round oral argument performances of the teams participating in that round. To the extent possible, the four (4) teams advancing to the semi-final round will argue on-brief. If this is not possible, side designations will be determined by coin toss. **The winners of each of the two semi-final round moots shall advance to the final round.** The winner of the final round will be determined by the judges of the final round, solely on the basis of the final round oral argument performances of the teams participating in the final round.

B. TEAMS

Each team shall consist of **two (2) or three (3) student members**. Team members must be students enrolled in a full or part-time program in the law school that they represent. **Only candidates for a Juris Doctor may participate in this Competition.** All team members may contribute to the writing of the brief and may present oral argument, but only two team members may argue in any single round. No substitution of team members will be permitted after the team has submitted its brief, except upon written consent of the Committee.

C. SIDE DESIGNATION

The Vice Chancellor randomly will assign a side designation to each team, as well as a team number. Teams will be notified via electronic mail, of their side designations by **5:30 p.m. EST, Friday, December 7, 2007**. Teams must submit a brief for the side designated to them by the Vice Chancellor.

D. BRIEFS

1. SUBMISSION AND DELIVERY OF BRIEFS

- (a) Each team must submit five (5) hard copies of its written brief, including one (1) “measuring brief,” as defined in Rule D.2.(l) to the CUA Moot Court suite by **5:30 p.m. EST, on Friday, January 11, 2008**. Each team must also submit an electronic copy to the Vice Chancellor by 5:30 p.m. EST on January 11, 2008. **Only those briefs received at CUA Moot Court Suite by 5:30 p.m. EST, on January 11, 2008, will be considered timely.** Copies of the above-referenced briefs must be sent via overnight delivery service or certified mail.
- (b) In addition to service to the CUA Moot Court Suite, each team also shall serve one (1) copy of its brief, either electronically in Microsoft Word or PDF format or by mail in hard copy format, so that it is received by *each* of the other competing teams by **5:30 p.m. EST on Friday, January 11, 2008**. If a team selects delivery by paper mail, to ensure timely delivery, overnight delivery service or certified mail must be used. Please note that all records or receipts of delivery of service on the competing teams, whether electronic or other, should be retained by the competitors as proof of delivery.
- (c) To ensure fairness to all teams, hand-delivery of briefs is not permitted. Briefs that are hand-delivered will not be accepted.

2. FORMAT OF BRIEFS

- (a) The electronic copies of the briefs must be submitted in either (1) Microsoft Word 2000 format (or more recent version of Microsoft Word), or (2) Portable Document Format (PDF) readable by Adobe Reader. If PDF is used, the brief must be text-searchable using

a standard PDF reader word search function (i.e., briefs scanned into PDF as graphics files are not acceptable).

- (b) Briefs will be in the format required under the Federal Rules of Appellate Procedure and the Local Rules of the United States Court of Appeals for the District of Columbia Circuit, except as otherwise stated herein.
- (c) Briefs will contain the following sections in the following order: (1) cover page; (2) table of contents; (3) table of authorities;¹ (4) jurisdictional statement; (5) issues presented; (6) statement of the case; (7) statement of the facts; (8) summary of the argument; (9) argument; and (10) conclusion. Notwithstanding FRAP 28(b), Appellees are required to include all of the foregoing sections in their briefs.
- (d) The relevant text of all statutes and constitutional provisions may be placed in an appendix instead of the body of the brief. It is not necessary to attach the Record to the brief.
- (e) The Certificate required by Circuit Rule 28(a)(1), the glossary required by Circuit Rule 28(a)(3) and the reference to oral argument required by Circuit Rule 28(a)(7) should **not** be included in any brief.
- (f) The typeface used to produce the brief shall be at least 12 points. Serif types are preferred, although headings and captions may use sans-serif type. Monospaced fonts such as courier are disfavored, but if used, they may not exceed ten (10) characters per inch (“CPI”). Competitors should measure a ten (10)-character length of their typeface with a ruler to ensure compliance. Note that Courier 10-point type may not result in ten (10) CPI on every word processing system. Characters must produce a clear black image on white paper.
- (g) Briefs must have one-inch margins on all sides and the text must be double-spaced.
- (h) Footnotes must be single-spaced and use characters the same point size as the text.
- (i) Briefs must be stapled or otherwise bound along the left margin in a volume having pages not exceeding 8 1/2 by 11 inches.
- (j) Briefs must have a heavy or hard cover surface. The cover on Appellant’s brief shall be blue. The cover on Appellee’s brief shall be red.
- (k) **No brief shall exceed forty (40) pages, including footnotes and citations.** The only

¹ Pursuant to Circuit Rule 28(a)(2), teams must place an asterisk in the left-hand margin of the table of authorities besides the authorities on which the brief principally relies. The table of authorities also must include a notation at the bottom of the first page stating: “Authorities upon which Appellant/Appellee chiefly relies are marked with asterisks.”

material excluded from the page limit shall be the following: cover page, table of contents, table of citations, certificate of service, certificate of typeface and volume, appendix containing relevant statutory and constitutional provisions, and the certificate required by Rule D(3) of these Competition Rules.

- (l) **Citations will be complete and in the format prescribed by the most recent edition of *The Bluebook: A Uniform System of Citation*.** The typeface and abbreviation conventions will be in accordance with Rules 2.1 and 2.2 of *The Bluebook*. Underscoring may be used to indicate the use of italics, in accordance with *The Bluebook* Rule P.1.
- (m) **One hard copy of the brief (the “measuring brief”) must bear the typewritten names of all team members, their signatures, and the names of their school on the front cover page and nowhere else.** No other copies shall bear the names or signatures of the team members or their schools. Instead, each team shall mark each of the remaining copies of their brief with the team number assigned to them by the Vice Chancellor. This team number shall be placed in the upper right hand corner of each brief submitted to the CUA Moot Court suite and to the competitors.

By signing the measuring brief, each team certifies that the brief has been prepared in accordance with these Rules, and that it represents the work product of the team members only.

3. ***BRIEF CERTIFICATES***

- (a) In addition to the briefs, each team shall submit a certificate containing the following information:
 - i) a statement that the work product contained in all copies of the team's brief is in fact the work product of the members of the team;
 - ii) a statement that the team has complied fully with its law school honor code or the honor code of CUA; and
 - iii) an acknowledgment that the team has complied with all Rules of the Competition.

4. ***SCORING OF BRIEFS***

- (a) Brief scores shall constitute fifty percent (50%) of each team's final score for each preliminary round, but will not count in the semi-final and final rounds.
- (b) Briefs will be scored by a panel of judges. Briefs will be evaluated anonymously and graded on a scale of one (1) to one hundred (100) points, in accordance with the resources made available to the brief judges and in accordance with the judging criteria provided in Section III, Rule F. After a team's brief score has been determined, penalties for format and citation errors and rule violations will be subtracted from the initial score given.

(c) The following chart provides the point deductions for format and citation errors.

| FORMAT ERRORS | POINT DEDUCTIONS |
|---|-------------------------|
| Non-heavy or hard cover surface or non-correct color | 2 |
| Non-bound brief | 2 |
| Non-one inch margin | 2 |
| Non-double spaced text and single spaced footnotes | 2 |
| Improper typeface, font size, or characters per inch. | 2 |
| Non-8 1/2x11 paper | 2 |
| Improper ordering or omission of brief sections | 2/section omitted |
| Exceeding page limits. | 1/page |
| Competitor names or name of team including law school on any location except on front cover of measuring brief | 1 |
| Late submission of briefs to Vice Chancellor (Deadline 5:30 p.m. EST on Friday, January 11, 2008). Hand-delivery of briefs is not permitted. | 5/day |
| Late submission of briefs to competing teams (Deadline 5:30 p.m. EST on Friday, January 11, 2008) | 2/day/team not served |
| Submission of wrong side brief | 10 |
| Submission of wrong number of briefs to Vice Chancellor | 1/copy |
| Failure to include certificate of service to Vice Chancellor (Includes 1. A statement that the work product contained in all copies of the team's brief are the work product of the members of the team only; 2. A statement that the team has complied fully with its law school honor code or the honor code of CUA; and 3. An acknowledgment that the team has complied with all the Rules of the Competition) | 1 |
| Failure to submit Measuring Brief to Vice Chancellor (Includes 1. Typewritten names of all team members; 2. Their signatures; 3. Their social security numbers; 4. Team number assigned by the Vice Chancellor; and 4. The name of their law school on the front cover page of the brief) | 1 |
| Minor Citation Errors - does not impair the ability of the reader to identify or find the authority and that does not misrepresent the material. A minor repeated citation error will not be penalized more than one time per brief. | 1/4 |
| Major Citation Errors – affects the ability of the reader to find or identify the authority or misrepresents the material. A major repeated citation error will not be penalized more than one time per brief. | 1/2 |

E. ORAL ARGUMENT

1. LOCATION

The Competition will be held at The Catholic University of America, Columbus School of Law, 3600 John McCormack Road, N.E. Washington, D.C. 20064. The Vice Chancellor will determine the time and the room number for each preliminary round of arguments, and will notify each participating team of this information at least two (2) weeks prior to the date selected for the first round of arguments.

2. SCORING

(a) The team score for its oral arguments will constitute fifty percent (50%) of each team's

final score for each preliminary round. The brief score will constitute the remaining fifty percent (50%) of the team score for each preliminary round. A team's performance in the semi-final and final rounds will be judged *solely* on its oral argument performance. The brief score will not be used in determining the winner(s) of the semi-final or final round.

- (b) Each individual competitor's score will be the average of the various scores assigned to that competitor by the members of the judging panel in all of the preliminary rounds in which it has argued. **An individual competitor must argue at least twice in order to be eligible to receive the Best Oralist award.**
- (c) The winning team will be designated Best Team based upon its performance in the final round, while the Best Oralist and Best Brief winners will be awarded based upon their performance in the preliminary rounds. Scoring will be on a scale of one (1) to one-hundred (100) points and in accordance with the judging criteria provided in Section III, Rule F.

3. *FORMAT OF THE ORAL ARGUMENTS*

- (a) Each team will be limited to thirty (30) minutes of oral argument, to be divided among its members, but **only two (2) members** may argue in any one (1) round. Each of those two (2) team members must argue for **at least** seven (7) minutes per round in which they participate. Each team is responsible for communicating to the bailiff, **prior to the beginning of oral argument**, how it wishes to allocate its thirty (30) minutes between team members. At their discretion, judges may interrupt arguments to pose questions and may allow additional time for the advocates' response. Appellant may ask to reserve up to ten (10) minutes of its team's allotted time for rebuttal. Prior to oral argument, the Appellant must notify the bailiff of its intention to request rebuttal time, and, at the beginning of oral argument, must seek leave of the panel for rebuttal.
- (b) For those preliminary rounds in which the parties will be arguing on-brief, the judges may receive the briefs of the parties whose arguments the judges are slated to hear. Off-brief and final round judges may, upon request, be given sample briefs.
- (c) Judges will be encouraged to critique all advocates after the completion of each of the three (3) preliminary rounds of oral arguments.

F. GUIDELINES FOR JUDGING BRIEFS AND ORAL ARGUMENTS

The problem, a bench memorandum, and a copy of these Rules will be provided for the use of those judging team briefs. In accordance with Rule E(3)(b), sample briefs also may be provided to those judging oral arguments. See Rule III, Rule A for additional information on the rounds of the competition.

G. ANNOUNCEMENTS AND AWARDS

The team that wins the final round will be designated the Best Team. The Best Team, the team that wrote the Best Brief (as determined by the final brief scores) and the Best Oralist (based solely on the competitor's preliminary round oral argument scores) will be announced at a Reception following the conclusion of the final round of the Competition.

All participants and judges are invited to attend the Reception. At the conclusion of the Reception, the Committee will award plaques and/or cash prizes to the winning and second place teams, as well as to the winners of Best Brief and Best Oralist.

H. FACULTY OR OTHER ASSISTANCE

One of the purposes of this Competition is to develop the skills of appellate advocacy. Accordingly, the team members *themselves* must write their own briefs and prepare their own oral arguments. Faculty members, fellow students, attorneys or other individuals may **not** review, edit or otherwise assist in the preparation of a team's brief. Likewise, such individuals may not prepare the team members' oral arguments for them. Participants may discuss issues and ideas relating to the Competition problem with faculty, fellow students, or others, and may use the assistance of such individuals to prepare for oral arguments in the form of mootings, question and answer sessions, etc. However, no other form of external assistance may be provided to the competitors.

I. THE COMMITTEE'S AUTHORITY

1. Upon consultation with the Co-Chairs of the Competition, the Vice Chancellor will issue an interpretation of these Rules upon request. All Rule interpretations promptly will be provided to each team.
2. Upon consultation with the Co-Chairs of the Competition, the Vice Chancellor has the discretionary authority to modify or waive any of these Rules as required.
3. These Rules may be modified as necessary to present the most equitable scoring of the competition where there is an odd number of competing teams.
4. The Vice Chancellor will accept questions and requests for clarification of the problem until **5:30 p.m. EST on Friday, January 4, 2008**. Absent extenuating circumstances, **all such requests must be received by the Vice Chancellor by that date**. All requests for clarification must be via e-mail. All clarifications provided by the Vice Chancellor will be sent via e-mail to each participating team.
5. In the event of an ambiguity or conflict, these Rules and/or written communications to the participants will govern.

J. WITHDRAWAL

Teams wishing to withdraw from the Competition, must notify the Vice Chancellor via e-mail by **5:30 p.m. EST on Monday, December 3, 2007**, or forfeit the \$325.00 entrance fee.