



2021 Moot Court Rules & Regulations

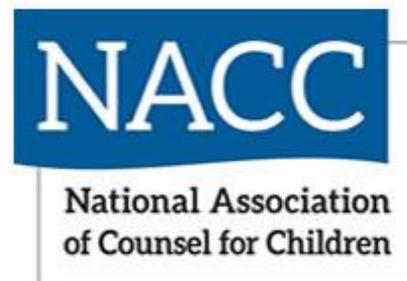


Table of Contents

Article One – Purpose 3

Article Two – Administration 3

Article Three – Teams3

Article Four – Use of the Competition Problem4

Article Five – Organization of the Competition4

Article Six – Oral Argument Rules5

Article Seven – Briefs6

Article Eight – Scoring8

Article Nine – Awards9

Article Ten – Assistance10

Article Eleven – Bailiffs10

Article Twelve – Protests11

Article Thirteen – Conflicts during Oral Argument11

Article Fourteen – Penalties11

Article Fifteen – Information11

Article Sixteen – Scouting during Oral Argument12

Article Seventeen – Interpretation of the Rules12

Article Eighteen – Supplemental Rules12

Article Nineteen – Conduct12

Article One – Purpose

The Capital University Law School National Moot Court Competition in Child Welfare and Adoption Law emphasizes the development of oral advocacy skills through a realistic appellate advocacy experience. Competitors participate in a hypothetical appeal to the Supreme Court of Capitanía.

Article Two – Administration

The Family and Youth Law Center at Capital University Law School (FYLaw) conducts and directly administers the competition at the national level. The competition is hosted in partnership with The Family and Youth Law Center, The National Council of Juvenile & Family Court Judges, The ABA Center on Children and the Law, the American Academy of Adoption Attorneys, and the National Association of Counsel for Children.

Article Three – Teams

1. A team must consist of two or three law students attending the same ABA-accredited law school, or a law school seeking ABA accreditation. For the purposes of these rules, a law student enrolled during the semester or quarter of the competition is eligible to participate. Only students who are candidates for a Juris Doctor degree may compete.
2. Each team entering the competition must submit an online registration form and non-refundable entry fee to FYLaw (checks to be made out to Capital University Law School) by December 1, 2020. Registration is limited to the first 26 teams. A school may enter a maximum of two teams in the competition. Multiple teams from the same school will be treated as separate entities throughout the competition as it relates to all rules of competition. Seeding will not be impacted by school affiliation. The fee is \$550 per team, but has been reduced for this year to \$375 as a result of the move to a virtual competition. Entries submitted after December 1, 2020 will be accepted only with the consent of FYLaw.
3. Team members must be identified, and their names must be submitted to FYLaw, prior to the release of the Problem. Team members may not be substituted, except for good cause such as death, severe illness, or other uncontrollable circumstance. After the release of the Problem, a team must obtain written approval from FYLaw to substitute a team member. No substitutions are permitted once the first round of oral argument begins.
4. If a school registers a team (or teams) but fails to provide team member names by the Friday preceding the release of the problem, the school and its team(s) will not be provided access to the Problem until the team members are identified. If a school registers two (2) teams, both teams must be identified before the school will be provided access to the problem. **PROBLEM RELEASE DATE IS OCTOBER 15, 2020.**

5. FYLaw will randomly assign a number designation to each team after the final registration deadline has passed, but before the briefs are due. This will be the sole method for identifying the team during the competition. Participants may not directly or indirectly divulge their law school's identity to the judges at any time during the competition.

Article Four — Use of the Competition Problem

1. The copyright to the Competition Problem is held by The Family and Youth Law Center (FYLaw). Requests to use or reproduce the problem for any purpose should be sent to Douglas Althausser or Jennifer Goldson, 303 East Broad Street, Columbus, Ohio 43215-3200.
2. The persons and events depicted in the Problem are purely fictional and are prepared solely for the educational purpose of this competition. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

Article Five — Organization of the Competition

The Zoom virtual platform will be used to conduct the 2021 competition.

Preliminary Rounds – Day One:

1. Each team will argue three rounds. FYLaw will set pairings based upon the following criteria:
 - a. **Round 1** - Teams will be power protected by brief score (highest average brief scores will be matched up against lowest average brief scores).
 - b. **Round 2** - Teams will be power protected by brief score. Teams will not face the same team they faced, nor will they argue the same side as they did in Round 1.
 - c. **Round 3** - Teams will be power matched by win/loss record (i.e., 2-0 team with highest cumulative margins of victory argues against 2-0 team with lowest cumulative margins, etc.; 1-1 team with highest cumulative margins argues against 1-1 team with lowest cumulative margins, etc.; 0-2 team with highest cumulative margins argues against 0-2 team with lowest cumulative margins.) If an odd number of teams have the same record, then the lowest seeded team will argue against the highest seeded team with one more loss. Teams may face a previous opponent in this round. The higher seeded team (team with the higher cumulative margin of victory) chooses which side to argue, which will be determined pursuant to the choice listed in that team's proxy (see "Proxies" below).

2. A bye round will be necessary if an odd number of teams compete. FYLaw will select two teams at random to receive byes in one of the first two rounds. These teams will be paired against each other and will argue at a time designated by FYLaw prior to Round 3. Teams may be required to argue immediately before or after the bye round. In addition, the highest seeded team at the beginning of Round 3 will receive the bye for that round and will automatically be the top seed in Round 4.
3. Teams will be notified of pairings for Rounds 1 and 2 and the bye round (if applicable) approximately one week prior to the competition.

Elimination/Championship Rounds – Day Two:

1. The top sixteen teams from the first three rounds will advance to Round 4 and will be slotted into a single elimination bracket. Teams will be seeded according to the following criteria, using the second and third criteria, in order, to seed teams only if there are still ties: 1) win/loss record, 2) cumulative margin of victory, and 3) brief score. The highest seeded team will argue against the lowest seeded team, etc. Pairings will continue along the bracket throughout the elimination rounds.
2. **Round 4** - The higher seeded team (team with the higher cumulative margin of victory) chooses which side to argue, which will be determined pursuant to the choice listed in that team's proxy (see "Proxies" below).
3. **Quarterfinals, Semifinals, and Finals** – A coin toss will determine which team chooses the side it wishes to argue. Coin toss calls will be made by the higher seeded team via proxy, described below, as will the choice of side for the team that wins the coin toss.

Proxies

1. Proxies will be submitted by teams through Google Forms after they have watched the team training video. **All teams must watch the training video and submit their proxies prior to the start of Round 1.**
2. Proxies will contain two components:
 - a. The team's choice of heads or tails for coin tosses conducted prior to the quarterfinal, semifinal and final rounds; and
 - b. The team's choice whether to argue for Petitioner or Respondent for all rounds subsequent to Round 2.
3. For Rounds 3 and 4, the proxy of the higher ranked team in a pairing will determine preference for side of argument.

4. For the Quarterfinals, Semifinals and Finals, the proxy of the higher ranked team in a pairing will determine the choice of coin side in the coin toss; and the proxy of the team that wins the coin toss will determine preference for side of argument. Competitors will need to arrive early to the round if they want to witness the coin toss; however, they are not required to be present. Competitors that are not present will be notified of the results after the coin toss takes place.
5. Teams may not change their proxies once submitted.

Article Six – Oral Argument Rules

1. All competitors shall ensure they have the required technology to access the Zoom video platform. Participants may be required to make themselves available prior to the time scheduled for the oral argument to ensure proper connectivity.
2. If a participant loses connectivity during a round, the round (and timing of the argument) shall immediately pause, and resume upon reconnection. Judges shall have discretion to extend time for an argument that is suspended due to technical issues lasting fifteen minutes or less. If an issue arises with connectivity during a round that causes more than a fifteen minute delay, the bailiff shall suspend the argument and consult a Competition Supervisor for instructions on how to proceed. Any protest as a result of technical or connectivity issues shall be raised in accordance with Article Twelve. All competitors and judges shall have phone access to reach a competition staff member at (614) 236-7237 if a technological failure occurs.
3. Two team members will argue in each round of oral argument. A team may vary which members will argue from round to round. Attendance at rounds shall be limited to team members, judges, coaches, bailiff, and FYLaw staff. Prior to beginning the argument, team members will identify the two members arguing the round. All coaches and any team members not arguing the round shall not be in the same physical space as the team members arguing the round. Team members participating in the argument must sign in to the virtual platform independently, even if arguing in the same physical space, however the team member not speaking must keep their device muted while the other team member is speaking. No other person shall be in the physical space of anyone present at the argument except as specified herein.
4. All team members and coaches present for an oral argument shall identify themselves only by team number, speaking order (for team members), and first and last name on the virtual platform. For example, if Jane Doe is the first speaker for Petitioner on team 12 the screen name should be 12-P1 Jane Doe. There shall be nothing in the visual or virtual background of participants that would enable a judge to identify the school for which the participants are competing. Judges shall identify themselves as such on the virtual platform, as will the bailiff.

5. All team members arguing in the round, judges and the bailiff shall remain on camera for the entire round. Coaches and team members not arguing in the round shall have their cameras off during the round.
6. Judges have the discretion to unmute themselves or remain unmuted in order to engage in questioning during the argument. Team members arguing in the round shall be muted except when arguing or responding to a judge's question. Coaches and team members not arguing in the round shall be muted for the entire round.
7. No judge who has served as a practice judge or has assisted in preparing any team for this Competition may serve as a judge for the oral argument rounds of this Competition.
8. Oral argument is limited to a total of 30 minutes per team.
 - a. Although a team may divide its time allotment as it chooses, no team may allocate more than 17 minutes to one advocate;
 - b. The Petitioner may reserve up to a maximum of five minutes for rebuttal. Only one advocate may argue rebuttal, which must be selected prior to the beginning of the round and disclosed to the bailiff; and
 - c. Judges have discretion to begin a round early if all participants are present and prepared to proceed. The judges may also, at their sole discretion, extend any speaker's time.
9. FYLaw will assign sides for the first two rounds. In the third and fourth rounds, the proxy of the higher seeded team will determine sides. In the Quarterfinals, Semifinals and Finals, a coin toss will determine which team has the choice of side. **See Article Five** for more detail of determination of sides and use of proxies.
10. Teams may decide the order in which they will argue the substantive issue(s) on appeal.
11. A team member must argue **a minimum of two (2)** preliminary rounds to be eligible for an Advocate award.
12. No video or audio recording by teams or spectators is permitted. The final round may be recorded and/or livestreamed by FYLaw. A student's decision to enter and participate in the competition constitutes consent to photographing, livestreaming and/or recording. As a condition of participation, and for no monetary compensation, registration in this Competition grants FYLaw the nonexclusive worldwide rights to reproduce, distribute, and sell any visual material in connection with the student's participation, in whole or in part, in any media, as part of a course book or any other publication published under the auspices of FYLaw and to license these rights to others.

Registration also grants FYLaw the right to use students name, voice, and image in connection with the published competition materials.

13. No technology shall be used to assist a team member during oral argument, other than the use of necessary cameras, microphones, and a device (such as computer, tablet or phone) necessary to participate in the virtual argument. Competitors and coaches shall be required to certify to the judges that they are in compliance with this rule.

Article Seven — Briefs

1. A team may choose to write its brief on behalf of the Petitioner or Respondent. If two teams from the same school enter the competition, one team must submit a Petitioner’s Brief and one team must submit a Respondent’s Brief.
2. Unless otherwise stated in these Rules, briefs must comply with the Rules of the Supreme Court of the United States. Supreme Court Rule 24.1(e), 24.2, 24.3 and 24.4 should not be followed. Rule 33 should be followed only with regard to the preparation of the brief covers. **The cover shall be blue for Petitioner Briefs and Red for Respondent Briefs.**
3. All citations should conform to the most recent edition of *A Uniform System of Citation* (commonly known as “The Bluebook”). Citation to the appellate court opinion should be treated as a record cite. A statement of jurisdiction is not required.
4. Briefs produced by any printing or copying process shall be in 12 point Times New Roman font. Smaller fonts and the use of compacted or otherwise compressed printing features will be grounds for a penalty. Margins shall be at least 1”. Each page of text shall contain no more than 28 lines of double-spaced text. The page number is not included in this measurement.
5. Briefs shall not exceed 35 pages. Any partially filled page will be counted as a full page. The page limit does not include pages containing the questions presented, table of contents, table of authorities, and the appendix.
6. Any process that produces a clear, black image on white may be used for the brief. All hard-copy briefs must be bound on the left. The paper size must be 8½” x 11”.
7. Typed matter must be double-spaced. However, footnotes, argument headings, and extended quotations of fifty (50) words or more may be single-spaced. Footnotes, argument headings, and single spaced quotations must appear in the same size type as other typed matter. Footnotes may not exceed 15 inches of text for the entire brief.
8. Service of Briefs
 - a. Each team will serve **one bound hard-copy** of its brief upon FYLaw, and it must

be postmarked on or before Monday, January 4, 2021. The bound brief shall be sent to the Family and Youth Law Center, Capital University Law School, 303 East Broad Street, Columbus, Ohio 43215-3200.

- 1) The hard-copy brief must have an opaque front cover of durable quality. The cover must include the team number, law school name and address, and team members' names.
 - 2) **The cover shall be blue for Petitioner Briefs and Red for Respondent Briefs.**
- b. Each team must also serve **one electronic copy** of its brief upon FYLaw on or before 11:59 p.m. E.T. Monday, **January 4, 2021**. The electronic copy of the brief must be sent as an email attachment to the following email address: mootcourt@law.capital.edu.
- 1) Teams are required to submit the electronic copy of the brief in Portable Document Format file (Adobe PDF) format.
 - 2) The email must contain only an electronic copy of the submitted brief. The brief must be a single document. The document **must not** contain any appendices (even if the hard copy of a team's brief does), any portion of the appellate record (other than a portion contained in the brief text), hypertext links to other material, or any document that is not included in the brief.
 - 3) The email must be free of viruses or any other files that would be disruptive to FYLaw's computer system.
 - 4) Unlike the hard-copy brief, the cover page of the electronic copy of the brief **must not** contain the school name and address or team member names. Only the team number may be printed on this brief. The accompanying email must contain the team number in the email's subject line, and the law school's name and the team members' names in the body of the email.
- c. Failure to submit a brief by the deadline for service will result in a penalty of 10 points for every day the brief is late.
9. A team may not amend or revise its brief after the deadline for the service.
10. Each team shall certify that the brief was prepared and served in accordance with these Rules. Teams shall submit the certification simultaneously with the hard-copy brief served on FYLaw. The certification **must not** be affixed, bound, or otherwise inserted in the brief.¹

¹ The certification shall state: "We hereby certify that the brief has been prepared and served in accordance with the Rules of the National Moot Court Competition in Child Welfare and Adoption Law. We acknowledge that by

11. Electronic versions of the briefs will be posted to a password protected portion of the competition website to allow all participating teams access: <http://familyyouthlaw.org/mootcourt.php>. The briefs will be posted once FYLaw has received the briefs from each team. Passwords will be emailed to each team's designated contact person.

Article Eight — Scoring

1. Brief Scoring

- a. Each brief will be “blind-graded” by volunteer judges recruited by FYLaw. Judges will not know the identities of the schools nor competitors who submitted the briefs. Any person directly associated with a participating school's moot court program is not eligible to serve in this capacity. Brief graders may not judge practice rounds nor otherwise discuss the problem with the participants or their coaches.
- b. Each judge will evaluate the briefs based upon a 100-point scale. Knowledge of the law and persuasiveness will be the primary standards in grading, but form, style, and appearance will also be considered. Grading will be anonymous, with each brief identified only by its designated team number.
- c. Brief scores will not be available to teams. After the competition, teams may request their brief score ranking by emailing FYLaw.

2. Oral Argument Scoring

- a. FYLaw will select members of the bench and bar to serve as oral argument judges. Each judge will evaluate each advocate upon a 100-point scale, considering: Substantive Content of Argument, Knowledge of the Record, Extemporaneous Ability, and Courtroom Demeanor and Professionalism.
 - i. Use of headsets, lighting, the decision of a participant to stand or sit, and technological issues may NOT be considered as part of a judge's evaluation.
 - ii. Movement (i.e. eye contact, swaying, gesturing) and appropriate dress and decorum while on camera MAY be considered as part of a judge's evaluation.

entering in the National Moot Court Competition in Child Welfare & Adoption Law, that the organizers of the competition may use, disseminate, or circulate our brief, at the sole discretion of the organizers.” Each team member must sign the certification.

- b. For all preliminary rounds (Day 1), a team's score will be computed by weighing the oral argument 60% and the brief 40%. For all elimination rounds (Day 2), including the final round, brief scores will not be used except as the third factor to break a seeding tie; otherwise, a team's score will be solely based on the oral argument scores.
- c. A team's margin of victory is calculated by subtracting the losing team's point total from the winning team's point total.
- d. If a tie exists after the oral argument during rounds when brief scores are considered, then the team winning the oral argument portion will be declared the winner of the round. In this situation, the margin of victory for the winning team will be zero and the margin of loss for the losing team will be zero.
- e. If a team forfeits an assigned round, that team's scheduled opponent will be the winner of that round and their margin of victory will be one point. If the opponent's brief score is more than one point higher than the forfeiting team's brief score, the margin of victory for the opponent shall be the difference between the brief scores.
- f. Oral argument scores will not be available to teams. After the competition, individual competitors may request their individual oral argument ranking by contacting FYLaw.

Article Nine – Awards

1. The following awards will be presented upon the conclusion of the preliminary rounds/Day 1:
 - a. A plaque will be presented to each team with the top three brief scores.
 - b. The top ten individual Oralists from the preliminary rounds will be recognized.
2. The following awards will be presented upon the conclusion of the final round:
 - a. The Champion Team will receive a trophy to display at its school, and each team member of the Champion Team will receive an individual plaque.
 - b. The Runner-Up Team will receive a plaque to display at its school, and each team member of the Runner-Up Team will receive an individual plaque.
 - c. The two teams which advance to the Semifinals but do not advance to the Finals will each receive a plaque to display at its school.

- d. A plaque will be awarded to the Best Oralist from the final round.
- e. The Competition seeks funds to offer a cash prize for first and second place teams. The prize is typically donated by a sponsor and usually is \$500.00 to the winning team and \$250.00 to the second place team. The competition reserves the right to not offer cash prizes if fund availability is limited.

Article Ten — Assistance

1. The purpose of this competition is to highlight student work. Because the competition should be an educational experience, a team may receive limited assistance from faculty members or the team coach in the preparation of its brief. Permissible assistance is limited to (a) discussion of the issues with the students and (b) oral comments on the drafts of the brief, addressing stylistic and grammatical concerns and legal analysis. Editing, writing or rewriting of any of the text of the brief by anyone other than the team members is not permitted. Additionally, this rule prohibits research to be done by any person other than a team member. Filing of the brief as required by Article Seven constitutes certification that the team has not received impermissible assistance in preparation of the team's brief and has complied with this Rule. Teams from the same school are separate entities and shall not work together for the completion of briefs.
2. After the brief is filed, participants may receive assistance in the preparation for oral argument. Teams from the same or different schools may hold up to three practice arguments between teams.
3. During oral argument, a speaker may only receive assistance in the presentation from the other team member participating in the argument. For the final round, the speaker may receive assistance from both team members participating in the competition if it is a three (3) member team.
4. Any person who provides assistance to any team by mooted or otherwise advising the team during their preparation for the competition may not serve as an oral round judge during the competition.

Article Eleven — Bailiffs

1. FYLaw will provide a bailiff for each of the oral argument rounds.
2. Bailiffs are responsible for:
 - a. Identifying that the proper participants are present and ensuring the participants are properly identified on the virtual platform;
 - b. Calling court to session;

- c. Serving as timekeepers for the round by holding up cards indicating to the competitors and judges the amount of time remaining in each argument;
 - d. Communicating with FYLaw competition supervisors as needed or required during the round;
 - e. Ensuring that judges return completed ballots to FYLaw competition supervisors; and
 - f. Returning Bailiff Worksheets to FYLaw competition supervisors.
3. The Bailiff will serve as timekeeper when the team members are speaking. The team members are responsible for informing the Bailiffs of time allocation between the oralists prior to each round.

Article Twelve — Protests

1. Briefs - A protest against another team's brief must be served upon FYLaw on or before the tenth day after the briefs have been made available on the website. This protest must be specific as to the complaint being lodged and the particular rule the brief allegedly violated.
2. Oral Arguments - All protests arising out of oral argument are considered waived unless the protest is brought to the attention of the Bailiff prior to the beginning of the judges' critiques during the round.
3. All protests shall be resolved at the sole discretion of the FYLaw Competition Director.

Article Thirteen – Conflicts During Oral Argument

1. All conflicts must be brought to the attention of the bailiff and/or a FYLaw competition supervisor prior to the start of a round. Failure to raise a conflict in a timely manner will result in a waiver of the conflict.
2. If a participant or a judge does not recognize the conflict until a judge has entered the hearing room, the participant or judge shall immediately inform the bailiff who will then notify a FYLaw competition supervisor.
3. The decision of whether a conflict exists, and how it will be resolved, is in the sole discretion of the FYLaw Competition Director.

Article Fourteen — Penalties

FYLaw, in its sole discretion, will assess penalties for violation of these rules. Uniform penalties will be assessed for each type of violation.

Article Fifteen — Information

1. FYLaw will disseminate information through the competition website: <http://familyyouthlaw.org/mootcourt.php>. Teams are responsible for regularly reviewing updates to this information. Notices of additional information will be emailed to the team's designated contact person identified on the registration form.
2. Requests for information or rule interpretation should be sent to FYLaw via the competition website. FYLaw will issue a written response to each inquiry of consequence and will post a copy of the question and the response to the website.

Article Sixteen – Scouting During Oral Argument

1. Scouting is prohibited. A team member or faculty advisor of a team still participating is prohibited from attending any round in which his or her team is not participating and shall not seek nor receive information from any person who has attended an argument of any other school.
2. If a school sends two teams, faculty advisors may attend the argument of each of their teams. As stated in number 1, an advisor may not divulge information obtained as a result of attending an argument. A team member from a school with two teams **may not** attend the round of the other team while his or her team is still eligible for participation in the competition.

Article Seventeen — Interpretation of the Rules

FYLaw, in its sole discretion, shall interpret these rules. FYLaw's decisions are final.

Article Eighteen — Supplemental Rules

FYLaw, in its sole discretion, may create additional rules to address situations not presently covered by these rules, including but not limited to adapting the Competition due to COVID-19 if circumstances so require. If additional rules are created, registered participants will be notified by e-mail that new rules have been promulgated, and the rules will be published on the competition website.

Article Nineteen – Conduct

The conduct of all competition participants, including team members, coaches, bailiffs, and judges will be governed by the standards set out in the ABA Model Rules of Professional Conduct. Violation of these standards may result in disqualification of the team or removal of a judge or bailiff. Though we strive to insure that all participants behave appropriately, the Family and Youth Law Center cannot completely control the behaviors of the participants. Please address any concerns over conduct with an Administrator of the Competition immediately.