



BILLINGS, EXUM & FRYE
NATIONAL
MOOT COURT
COMPETITION

Official Rules – Fall 2019

The following represent the official rules of the Billings, Exum & Frye National Moot Court Competition (“the Rules”).

I. Organization and Administration of Competition

Elon University School of Law in Greensboro, North Carolina, sponsors the annual Billings, Exum & Frye National Moot Court Competition. The competition seeks to provide law students with the opportunity to advance and showcase their written and oral advocacy skills. It honors three of North Carolina's most distinguished lawyers, Rhoda Billings, Jim Exum, and Henry Frye, who have each served as Chief Justice of the Supreme Court of North Carolina, in a variety of leadership positions within the legal profession and in public life, and as founding members of the Elon University Law School Advisory Board. The competition is conducted under the supervision of the Moot Court Board's National Competition Committee (“Competition Committee”) and the Director of the Moot Court Program.

II. Teams

A. Registration

The competition is open to teams from law schools fully or provisionally approved by the American Bar Association (schools which can establish that they are actively seeking ABA approval are also eligible to participate). The Early Bird Registration deadline is August 16, 2019. The Early Bird Registration fee is \$500 for one team or \$900 for two teams. The final, Regular Registration deadline is September 6, 2019. The Regular Registration fee is \$550 for one team; \$1,000 for two teams. Registration forms are available online at www.law.elon.edu/mootcourt.

B. Number and Composition

Law schools may enter up to two teams consisting of two or three members. With permission from the competition, schools may be allowed to enter a third team. Teams will generally consist of second and third-year students. If a law school allows first-year students to compete on interscholastic teams, it may request permission to have first-year students compete. Competitors must be registered law students seeking the Juris Doctor degree and in good

academic standing at their home institution. No team member may have completed the Juris Doctor degree prior to October 31, 2019.

C. Identification of Team Members

Teams may identify their members on their registration forms. If this information is not available at that time, it should be sent as soon thereafter as possible to the Director of the Moot Court Program, Sr. Assoc. Dean Alan Woodlief, awoodlief@elon.edu. The team members' names must be submitted prior to submission of a team's written brief.

D. Substitution of Team Members and Team Withdrawal

Team members may not be substituted after a team's brief is submitted, except upon permission of the Competition Committee pursuant to a written petition based on good cause. If a team member is unable to compete in an oral argument round, then the remaining members of the team must fill the gap left by the member not participating, but in all instances, at least two members of a team must argue in a given round. Should any team decide to withdraw prior to the competition's final registration deadline, it will receive a refund of one-half of its registration fee. No refund will be issued for withdrawals after the final registration deadline.

E. Team Identification

Each team will be randomly assigned a number designation for the competition. These numbers will be disseminated to the team contacts via email approximately two weeks before the written briefs are due. This number will be the sole method of identifying the team on its brief and during the oral argument phase of the competition. No one affiliated with a team, including team members, coaches, and observers, may directly or indirectly (e.g., school name affixed to bag, pen, or other items) divulge their law school's identity to the judges. Violation of this rule shall result in a penalty, up to and including disqualification.

III. The Problem

A. Release of Problem and Requests for Clarifications

The Problem will be released on or around August 21, 2019. Requests for clarifications will be entertained through September 11, 2019. These requests should be submitted via e-mail to Associate Dean Alan Woodlief, Director of the Moot Court Program, at awoodlief@elon.edu. Any clarifications will be posted to the competition web site after the deadline for submission.

B. Copyright

The copyright to the Problem is held by the Elon University School of Law Moot Court Board. Audio, visual or written versions may not be posted online or distributed in any manner or format without express written permission from the Moot Court Board. The Problem may not be used for intra-school or intramural competitions designed to select a law school's competitors for this competition. Requests to use the Problem for other internal law school competitions or other purposes may be submitted to Associate Dean Woodlief at

awoodlief@elon.edu.

IV. Briefs

A. Side Argued

A team may choose to write its brief on behalf of the Petitioner or the Respondent. If two teams from the same school enter the competition, one team will submit a Petitioner's Brief and one team will submit a Respondent's Brief (to be determined among the teams and/or their coaches).

B. Format, Length and Specifications

1. Briefs shall conform to the Rules of the United States Supreme Court except that teams should omit a formal statement of jurisdiction. All citations should conform to the most recent edition of The Bluebook: A Uniform System of Citation.
2. A brief shall not exceed 40 pages. This page limit does not include pages containing the cover page, questions presented, table of contents, table of authorities, or the appendices. Any partially filled page shall be counted as a full page.
3. All text shall be in Times New Roman, 12-point font. Smaller fonts and the use of compacted or otherwise compressed printing features will be grounds for a penalty. Footnotes, argument headings, and single-spaced quotations must appear in the same size font as the rest of the text.
4. Any process that produces a clear, black image on white may be used for the brief. All briefs must be bound on the left. The paper size must be 8 1/2" x 11".
5. Each page of text shall contain no more than 28 lines of double-spaced text. Typed matter shall not exceed 6 1/2" x 9" per page, i.e., a minimum one-inch margin on all sides. The page number is not included in this measurement.
6. Typed matter must be double-spaced. Footnotes, argument headings, and extended quotations may be single-spaced.
7. A team shall print its team identification number in the lower right corner of the cover page of its brief. Briefs shall not be signed, and no other material serving to identify a team or its members shall appear anywhere within or on the brief.
8. A team may not revise its brief after its submission.

C. Service of Briefs

1. Each team must submit its brief electronically as a PDF file **and** as a Microsoft Word document. These electronic copies must be sent as an email attachment to Associate Dean Woodlief at awoodlief@elon.edu. Teams are not required to submit printed copies of their brief.
2. Deadlines for Service - The electronic copy of the brief must be received by the competition by **5:00 p.m. EST on Friday, September 20, 2019**. Any team whose brief is received later than 5:00 p.m. EST on September 20, 2019, shall be assessed a late penalty of 10 points per day the brief submission is late, which will be deducted from the overall score of the brief.

3. Teams are not required to serve printed copies of their brief on other teams. All briefs will be posted to the competition website by Monday, September 23, 2019.

D. Certification

By submitting a brief, each team member certifies that the brief has been prepared in accordance with these Rules, particularly the rule regarding assistance (Rule IX.A.).

V. **Oral Argument**

- A. The oral argument rounds will be held Friday, October 11 and Saturday, October 12, 2019. Each team will argue three times in the preliminary rounds. The competition consists of three preliminary rounds, a first elimination (if needed), a quarterfinal round, a semifinal round and the championship round.
- B. Two team members will argue in each round of oral argument. A team may vary which members will argue from round to round. Only those team members who are arguing may sit at counsel table.
- C. Competitors should report to their assigned courtroom for a round at least 10 minutes before the scheduled start time. If a team is more than 10 minutes late for a scheduled round, then the team will forfeit the round. See section VI.A. for the scoring of such situations in the preliminary rounds.
- D. Oral argument is limited to a total of 30 minutes per team.
 1. Although a team may divide its allotted time as it chooses, no team may allocate more than 17 minutes to one advocate (including rebuttal time).
 2. The petitioner may reserve up to a maximum of five minutes for rebuttal. Only one advocate may argue rebuttal. Petitioner will inform the bailiff which team member will rebut prior to the round.
 3. The judges may, in their sole discretion, extend any speaker's time.
- E. No video or audio recording by teams or spectators is permitted. The Championship Round and other rounds may be videotaped, photographed or otherwise recorded by Elon University School of Law. A student's decision to enter and participate in the competition constitutes consent to videotaping, photography or other recording. Videos, photographs and audio recordings may be posted to the Elon website, used in print publications and otherwise distributed by the school.
- F. Mobile phones, smart phones, personal digital assistants, computers and other electronic communication devices are prohibited at counsel table (and any present in the courtroom, including those of spectators, should be silenced). No presentation devices or exhibits of any kind may be used in oral argument. A violation of this rule will result in a 10-point deduction from each team members' oral argument score for the round.

VI. Round Scoring and Advancement

A. Preliminary Rounds

Each team will argue three preliminary rounds and will argue at least once on brief and once off brief (e.g., once as Petitioner and twice as Respondent, or twice as Petitioner and once as Respondent).

In the first two preliminary rounds, pairings will be determined by brief scores, with the teams power seeded based on their brief score. Teams in the top half of the brief scores will be randomly paired against teams in the bottom half of the brief scores. Sides (i.e., Petitioner or Respondent) in the first two preliminary rounds will be assigned randomly, and each team will argue on- and off-brief.

Following the second preliminary round, the teams will be ranked by win-loss record and cumulative point differential (further ties will be resolved as noted below). In the third preliminary round, teams ranked in the top half will be randomly paired against teams ranked in the bottom half. Sides (i.e., Petitioner or Respondent) in the third preliminary round will be assigned randomly.

The foregoing is subject to the following exception: to the extent possible, a team will not face another team from its school in the preliminary rounds and will not face the same team from another school more than once in the preliminary rounds.

In the preliminary rounds, a team's score for the round will be computed by weighing the oral argument 60 percent and the brief 40 percent.

If a team forfeits an assigned round, the team's scheduled opponent will be the winner of that round and their margin of victory will be one point, unless the opponent's reduced brief score is more than one point higher than the forfeiting team's brief score, in which case the margin of victory for the opponent shall be the difference between the brief scores.

In the event of ties in the win-loss record, the ties will be resolved in the following order:

- (1) Aggregate point differential from the preliminary rounds (calculated by subtracting the losing team's point total from the winning team's point total for the round); then
- (2) Oral argument scores from the preliminary rounds; then
- (3) Coin toss.

B. First Elimination Round

23 or Fewer Teams Competing

If 23 or fewer teams compete in the oral argument rounds, then the field will be narrowed to eight teams after the third preliminary round, and these eight teams will compete in the quarterfinal round.

24 or More Teams Competing

If 24 or more teams compete in the oral argument rounds, then the field will be narrowed to 12 teams after the third preliminary round. These 12 teams advancing will be seeded in order of their win-loss record and cumulative point differential in the preliminary rounds (with further ties resolved as noted in VI.A. above).

The top four seeded teams (1-4) will receive a bye in the first elimination round and advance automatically to the quarterfinal round. The remaining eight teams will then argue against each other, with the highest seeded team arguing against the lowest seeded team, etc. (i.e., 5 vs. 12, 6 vs. 11, 7 vs. 10, and 8 vs. 9). In this round, sides will be determined by a coin flip, with the coin called by the higher seeded team, and the team winning the coin flip choosing the side.

From this first elimination round forward, the competition is single, head-to-head elimination. In the first elimination round, a team's score for the round will be computed by weighing the oral argument 75 percent and the brief 25 percent, and the team with the highest combined score in a courtroom will advance to the quarterfinals. In the event of a tie in a first elimination round, the winner of the round will be the team with the highest total oral argument score in that courtroom.

C. Quarterfinal Round

If there is a first elimination round, the four teams with a bye and the four teams winning their first elimination rounds will advance to the quarterfinals. The seeding from the first elimination round continues, with seed 1 facing the winner of 8 vs. 9, 2 facing the winner of 7 vs. 10, 3 facing the winner of 6 vs. 11, and 4 facing the winner of 5 vs. 12.

In the event there is not a first elimination round, then the eight teams with the best win-loss records in the preliminary rounds will advance to the quarterfinal round. In that case, the eight teams advancing to the quarterfinal round will be seeded in order of their win-loss record and cumulative point differential in the preliminary rounds (with further ties resolved as noted in VI.A. above), with the highest seeded team arguing against the lowest seeded team, etc. (i.e., 1 vs. 8, 2 vs. 7, 3 vs. 6, and 4 vs. 5).

In the quarterfinal round, sides will be determined by a coin flip, with the coin called by the higher seeded team, and the team winning the coin flip choosing the side. A team's score for the round will be computed by weighing the oral argument 75 percent and the brief 25 percent, and the team with the highest combined score in a courtroom will advance to the semifinals. In the event of a tie in a quarterfinal round, the winner of the round will be the team with the highest total oral argument score in that courtroom.

D. Semifinal Round

The four teams winning their rounds in the quarterfinals will advance to the semifinals. The seeding from the quarterfinal round continues. If there was no first elimination round, then the winner of 1 vs. 8 will face the winner of 4 vs. 5, while the winner of 2 vs. 7 will face the winner of 3 vs. 6. If there has been a first elimination round, then the winner of 1 vs. 8 or 9

will face the winner of 4 vs. 5 or 12, and the winner of 2 vs. 7 or 10 will face the winner of 3 vs. 6 or 11.

In the semifinal round, sides will be determined by a coin flip, with the coin called by the higher seeded team, and the team winning the coin flip choosing the side. The winner of a semifinal round will be the team that receives the highest total oral argument score from the judges in that courtroom.

E. Championship (Final) Round

The two teams winning their rounds in the semifinals will advance to the championship round. In the final round, sides will be determined by a coin flip, with the coin called by the higher seeded team, and the team winning the coin flip choosing the side.

In the final round, the winner will be the team that receives the highest total oral argument score from the judges in that courtroom.

VII. Scoring

A. Brief Scoring

1. Briefs will be scored by members of the Elon Law faculty and/or administration, experienced members of the local bench and bar, and/or members of the Moot Court Board. Brief graders will be provided with the Problem, a bench memorandum, and a copy of these Rules. Grading will be anonymous, with each brief identified only by its team number.
2. Each judge will evaluate the briefs based upon a 100-point scale. Thoroughness of research, knowledge of the law, depth of analysis, and persuasiveness will be the primary standards in grading, but form, style, and appearance, including citation, spelling, punctuation and capitalization, will also be considered. Brief scores will be provided to competitors upon their arrival at the competition.

B. Oral Argument Scoring

1. Oral argument rounds will be judged and scored by members of the bench and bar, as well as Elon Law faculty and/or administration. If necessary, members of the Moot Court Board, who are not serving on the Competition Committee, may serve as judges. Oral argument judges will be provided with the Problem, a bench memorandum, and a copy of these Rules.
2. Each judge will evaluate each advocate upon a 100-point scale, considering substantive content of the argument, knowledge of the record, ability to address questions, courtroom demeanor and professionalism.

C. Round Scoring

See Section VI. above.

VIII. Awards

A. Chief Justices' Cup and Team Awards

The championship team's name will be engraved on the Chief Justices' Cup which is permanently displayed at Elon University School of Law. The winning law school will also receive a replica of the Chief Justices' Cup that it may keep and display at its own school. Each member of the championship team will also receive a plaque commemorating this achievement. Team awards will be presented to all teams reaching the Quarterfinals and later rounds.

B. Brief Writing Awards

Brief writing awards will be presented to the teams writing the best two Petitioner briefs and the best two Respondent briefs.

C. Oral Advocacy Awards

Oral advocacy awards will be presented to the best advocate in the final round, as well as the top three advocates in the preliminary rounds (based on highest average scores in the preliminary rounds). To be eligible for an oralist award for the preliminary rounds, a competitor must argue two or more times during the preliminary rounds.

IX. Assistance and Scouting

A. Assistance

1. Because the purpose of this competition is educational, teams may receive limited faculty assistance in the preparation of their briefs. Permissible assistance is limited to discussion of the issues with the students. No one other than a student team member may review or comment upon a draft of the brief until it is served. This rule also bars any research done by any person other than a team member. Service of the brief as required by these Rules constitutes certification that the team has not received impermissible assistance in preparation of the team's brief and has complied with this rule.
2. After the brief is submitted, participants may receive assistance in preparation for oral arguments. If a team registers two or more teams, it is permissible for these teams to practice together.
3. During oral argument rounds at the competition, a speaker may receive assistance only from those seated at counsel table.

B. Scouting

1. Scouting is prohibited. No team member or faculty coach still participating shall attend the argument of any other team or receive information from any person who has attended an argument of any other team.
2. Notwithstanding paragraph 1 above, if a school sends two or more teams, faculty coaches may attend the arguments of each of their teams.

3. Non-participant guests may observe the oral argument rounds. A team is responsible for the conduct of its guests and should inform them of all rules, e.g., silencing cell phones, non-disclosure of school name, etc.

X. Conduct

Team members, coaches and their guests will conduct themselves in accordance with these Rules and in a responsible and professional manner in all respects.

XI. Interpretation and Supplementation/Amendment of the Rules

The Elon University School of Law Moot Court Board, the National Competition Committee, and the Director of the Moot Court Program reserve the right to make decisions regarding any aspect of the competition. They also reserve the right to supplement these Rules to address situations not presently covered by these Rules and to amend these Rules at any time before or during the competition. Decisions of the Moot Court Board, National Competition Committee, and/or Director of the Moot Court Program are final.

Please address questions about the Billings, Exum & Frye National Moot Court Competition and these Rules to Sr. Assoc. Dean Alan Woodlief at (awoodlief@elon.edu).