

Rules of the
Texas Undergraduate Moot Court
Association

(also known as The Southwestern Region of the American Collegiate Moot Court Association)

As Revised: November, 2008

Preamble

P1.1 TUMCA. The Texas Undergraduate Moot Court Association (hereinafter TUMCA) was founded in 1993 via an alliance of university professors.

P2.1 Mission. TUMCA seeks to coordinate and sponsor undergraduate moot court competitions each academic year. These competitions are based upon simulated oral argument presented to mock appellate court by students who act as attorneys for litigants in fictitious cases.

P3.1 Correlation of TUMCA Rules with the ACMA Rules. The rules of TUMCA correlate with those of the American Collegiate Moot Court Association (hereinafter ACMA) for all competitions within the region per the following stipulations.

TUMCA adopts the following articles, sections of articles¹ and appendices of the Rules of the American Collegiate Moot Court Association, and agrees to abide by those rules in competition and as revised by the ACMA Executive Committee.

Article 1: Definitions (all subsections)

Article 2: Code of Professional Conduct and Decorum (all subsections)

Article 3: Tournament Rules (all subsections)

Article 4: Tournaments (only the following subsections)

- 4.2.1 – 4.2.5

Article 5: Judging Criteria (all subsections)

Article 6: Tournament Pairings (only the following subsections)

- 6.1.1 – 6.1.5
- 6.2.3 – 6.2.9

Article 7: Tournament Judges and Officials (all subsections)

Article 8: Tournament Facilities (all subsections)

Article 9: Videotaping (all subsections)

Article 10: Rules Violations (only the following subsections)

- 10.1.1 – 10.2.1

P4.1 Most Current version of the ACMA Rules. The articles and subsections listed above are copied below and incorporated into the TUMCA Rules. It is the responsibility of the TUMCA Executive Board (hereinafter “Board”) to update these rules as they are amended by the ACMA. Only the most current version of ACMA Rules as approved by the ACMA Executive Committee applies to TUMCA tournaments.

¹ Article sections not listed are excluded because their topics relate specifically to the ACMA National Tournament, or to the composition of the ACMA Executive Board, or another topic of no relevance to TUMCA. These portions do not apply, nor should it be inferred that they apply to TUMCA.

Article A: TUMCA Rules Regarding Competitions

A1.1 Authority. Authority to establish the competition rules in this section is asserted under ACMA Rule 4.2.3 (Regional Authority). The competition rules listed below apply to all TUMCA tournaments and the Southwestern Regional Championships.

A2.1 Random Pairing of Teams for Preliminary Rounds. In the Southwestern Regional Championship and all other TUMCA tournaments, teams shall be paired randomly in all ~~three~~ preliminary rounds

A2.2 Randomness. Randomness shall be defined as each team having an equal chance of being paired against any other team from any other university. It shall not mean any team having an equal chance of being paired against any team from any particular university.

A2.3 Randomizing. The use of various randomization methods are acceptable including, but not limited to the following:

- Pairing teams through a random draw from a hat or other device that allows for a blind, anonymous draw.
- Use of an internet randomizer or other randomizing software

A2.4 Randomizing Procedures. In the event that a random draw from a hat or other device is used, the tournament director or a coach designated by the tournament director shall draw names to determine pairings for each preliminary round. Random pairings in preliminary rounds are subject to the constraints that no two teams will be paired against each other in more than one preliminary round, and no teams from the same university shall compete against each other. These constraints also apply in the use of other methods of randomization.

A3.1 Tabulation. Tabulation shall be conducted according to ACMA rules. In accordance with ACMA Rule 7.3, scores shall be inputted by a neutral party selected by the Tournament Director. In accordance with ACMA Rule 7.4, summaries of data inputs shall be provided to coaches, and shall include scores for both teams in each round. In accordance with AMCA Rule 11.3.2, no member of the ACMA Executive Committee shall be denied entrance to the Tabulation Room, unless that individual is a coach of a competing team.

A3.2 Tabulation Room. Coaches of competing teams are prohibited from entering the Tabulation Room. Coaches of competing teams are prohibited from interacting with the neutral party inputting scores, and from divulging scores to competitors before their official announcement. This rule shall not apply to the Tournament Director, or any coach designated by the Tournament Director to enter the Tabulation Room.

A3.3 Registration Rules & Procedures. Teams shall register for competition by completing the registration form designated for each competition and paying a fee ~~of \$25~~ per team registering for competition established by the Board. The Board shall determine the due date by which to receive registration forms for each competition. Any schools submitting registration forms after that date ~~must~~ ~~may be required~~ to pay a late registration fee ~~of \$50 per team~~ set by the Board.

A3.4 Limitations on Number of Teams Competing. The host and/or the Board may limit the number of teams that may participate from each university. The number of teams from each university allowed to participate shall be determined according to procedures established by the Executive Director and approved by the Board.

Article B: The TUMCA Executive Director and Executive Board

B1.1 Composition of the TUMCA Executive Board. All coaches fielding one or more teams in TUMCA competition each year are considered members of the Board during the year in which they compete in one or more TUMCA tournaments. Colleges and universities may have no more than one voting member on the Board. ~~Only universities with faculty or attorney coaches will have representation and a vote on the Board. A student representative from universities without faculty or attorney coaches may be asked at the discretion of the Board to attend a Board meeting to observe or present.~~

B1.2 Legislative Authority. The Board shall have the authority to amend the Rules of TUMCA. Amending TUMCA rules shall require a simple majority of Board members present. A formal written or verbal proposal of changes to be made, language to be added or removed, and sections to be added or removed is required. Voting via internet or teleconference is permitted, as are proxy votes in written form delivered to the Executive Director.

B1.3 Tournament Dates and Locations. The Board has the authority to establish the dates and locations of TUMCA tournaments, and to establish the date and location of the Southwestern Regional Championships in consultation with the ACMA Executive Committee.

B1.4 Volunteer and Elective Positions. The Board shall fill the office of Treasurer by majority vote. The Board shall elect the Executive Director by majority vote. Elections shall be held at the first meeting of the Board held at the first tournament of each year. All other positions are voluntary.

B2.1 Southwestern Regional Tournament Director. The Executive Director shall serve as the Tournament Director of the Southwestern Regional Championships, and shall be responsible for selecting the ACMA outside observer in accordance with ACMA Rule 11.3.2.

B2.2 Other Tournament Directors. Other coaches may serve as Tournament Director during other TUMCA competitions.

B2.3 Responsibilities of Tournament Directors. The tournament director shall be responsible for coordinating all logistical arrangements with the hosting law school, university or facility. The tournament director shall also be responsible for determining the number of judges and time keepers required, setting the registration deadline and tournament schedule, providing updated material on tournament dates, locations, hotels, etc. for publication on tumca.org, communicating with coaches via email, ensuring that ballots are available and in supply, selecting the tabulator, distributing scores and summaries to coaches, announcing results, designating others to complete these tasks, and for any other task related to the smooth and fair administration of a TUMCA tournament.

Article C: Competition and Year End Awards

C1.1 Competition Awards. The following awards may be given out at all TUMCA tournaments, including the Southwestern Regional Championships along with appropriate trophies as determined by the TUMCA Executive Board. Rules for calculating and/or determining winners of these awards are determined by the TUMCA Executive Board, except for Tournament Champion of the Southwestern Regional Championship:

Individual Tournament Awards:

- Tournament Champions
- Top Ten Oralists
- Top Ranked Teams

Year End Awards

- Top Five Teams
- Top Ten Oralists
- Top University Award (All-Around Champion)
- All-State Designation

C2.1 Individual Tournament Awards. Individual tournament awards are determined using the criteria stated below. The TUMCA Executive Board will provide trophies to winners, and direct that the names of winners be posted prominently on the TUMCA web site.

C2.2 Tournament Champion. Tournament champion is determined by the results of the Final Round.

C2.3 Top Ten Oralists. The top ten oralists in each tournament will be determined by the total number of speaker points accumulated by each competitor during all preliminary rounds. The ten competitors accumulating the most points will be designated top ten oralists and assigned ranking from highest point

total to lowest. In the event of a tie among competitors ranked between 1st and 9th, competitors will share the award such that only ten awards will be given. Should two or more competitors tie for the 10th ranked speaker, they will share the award and more than ten awards will be given. See examples below:

Example A: Three competitors tied for 5th ranked speaker, and rankings are assigned as follows:

- 1st.
- 2nd
- 3rd
- 4th
- 5th
- 5th
- 5th
- 8th
- 9th
- 10th

Example B: Two competitors tie for 10th ranked speaker (eleven awards given)

- 1st.
- 2nd
- 3rd
- 4th
- 5th
- 6th
- 7th
- 8th
- 9th
- 10th
- 10th

C2.4 Top Ranked Teams. The top teams in each tournament will be determined by the total number of combined speaker points accumulated by each during all preliminary rounds. Point total calculations and resolution of tie scores will be conducted according to ACMA rules. These rankings shall be used for the purpose of pairing teams for competition in the elimination rounds such that the highest scoring team is paired against the lowest scoring team, and so forth. No trophies are currently provided for team ranking after preliminary rounds.

C3.1 End-of-Year Awards. End-of-Year awards are based on competition results throughout the year during preliminary rounds (referred to as “speaker points” below). Eligibility for End-of-Year Awards will follow these general rules:

- Only universities that have entered at least one team consisting of the same two competitors in all TUMCA tournaments shall be eligible for the Top University Award. Thus, the Top University Award winner shall be determined by scores of teams competing throughout the year in preliminary rounds of each TUMCA competition (including the Southwestern regional Championships).
- Only competitors participating in all TUMCA tournaments (including the Southwestern Regional Championships) shall be eligible for End-of-Year Top Speaker awards.
- Only teams that have competed together in all TUMCA tournaments (including the Southwestern Regional Championships) shall be eligible for End-of-Year Top Team awards.

C3.2 Top University Award. The university winning the Top University Award shall possess a trophy, which may display on its campus until the following end of season. At that time it must surrender the trophy to the university winning the Top University Award in the following year.

C3.3 Procedures for Determining the Top University Award Winner. The Top University Award shall be determined using the following procedure:

- The Overall Average Score for each eligible university shall be determined as follows: Speaker points for each team in each competition shall be added together; the total number of points accumulated by all eligible team shall be added together; The resulting point total shall be divided by the number of eligible teams to calculate the Overall Average Score for each university. Universities shall be ranked from highest to lowest in overall average; the university with the highest overall average shall be designated the Top University.

C3.3 Procedures for Determining the End-of-Year Top Ten Oralists. The Top Ten End-of-Year Oralists shall be determined using the following procedure:

- The Overall Average Score for each eligible competitor shall be determined as follows: Speaker points for each competitor in each competition shall be added together; the resulting number shall be divided by the number of competitions to calculate the Overall Average Score for each competitor. Competitors shall be ranked from highest to lowest based on Overall Average Score; the ten competitors with the highest average scores shall be designated End-of-Year Top Ten Speakers.

C3.4 Top Five End-of-Year Teams. The Top Five End-of-Year Teams shall be determined using the following procedure:

- The Overall Average Score for each eligible team shall be determined as follows: Speaker points for both participants on each team in each competition shall be added together; the resulting point total shall be divided by the number of competitions to calculate the Overall Average Score for each team. All eligible teams shall be ranked from highest to lowest in overall average; the five teams with the highest overall average shall be designated the Top Five End-of-Year Teams.

C3.5 “All-Region” Designations. Each competitor designated as a Top Ten End-of-Year Oralist, and each member of the five teams designated as the Top Five End-of-Year Teams shall also be designated as “All-Region”. The Executive Board shall provide these students with a description of the designation for proper use on resumes and applications.

C3.6 Award Designations. The following are the designations earned by top speakers for all competitions and for end-of-year purposes.

<u>Competition</u>	<u>Designation</u>	<u>Monetary Award</u>
Texas Wesleyan	Virginia Armstrong Award	\$50.00
Texas Tech	Don Smith Award	\$50.00
University of North Texas	Don Gregory Award	\$50.00
Year's Top Speaker	Pete Nelligan Award	\$100.00

C4.1 Brief Writing Competition. The Executive Board shall have the discretion to institute a brief writing competition as part of the Southwestern Regional Championships or any other TUMCA tournament. The Executive Board shall determine due dates for submitting briefs, and award monetary awards for top ranked briefs. Any brief writing competition held as part of a TUMCA competition, including the Southwestern Regional Championships, will conform to ACMA rules for the National Championships in brief writing.

C4.2 Monetary Awards. The following are the monetary awards established for briefs placing among the top three in the Southwestern Regional Championships Brief Writing Competition.

1 st Place Petitioner Brief	\$75	1 st Place Respondent Brief	\$75
2 nd Place Petitioner Brief	\$50	2 nd Place Respondent Brief	\$50
3 rd Place Petitioner Brief	\$25	3 rd Place Respondent Brief	\$25

Applicable ACMA Rules

ARTICLE 1: DEFINITIONS

1.1.1 Team. A team consists of two undergraduate students, “attorney-contestants,” enrolled in a degree program at an accredited institution of higher education.

1.1.2 Eligibility. Part- or full-time students are eligible to compete in national tournaments for a five-year calendar period commencing at the first entry of the student into any regional or national tournament held by ACMA. Students enrolled in a graduate program of studies, such as a J.D. program, are **not eligible** to compete in ACMA tournaments. Students with a baccalaureate degree who are enrolled in other baccalaureate programs but who are not seeking and have not earned a professional or graduate degree may continue to compete in moot court competitions, if their school permits such competition. The Tournament Director may request proof of “undergraduate status” from contestants, and may determine a team ineligible to compete.

1.1.3 Use of ineligible team members. Any team that knowingly uses an ineligible person as a member will be subject to sanctions under Article 10 below. Challenges based on the ineligibility of an opposing team member must be made to the ACMA Executive Director or Tournament Director before or after a hearing, but not to a Judge and not during a hearing.

1.2.1 Hearing. A hearing consists of forty (40) minutes total of oral argument, including questioning of judges, of both Petitioner and Respondent teams. Each team is permitted a maximum of twenty (20) total minutes.

1.2.2 Time constraints. Each team may divide their time as they wish with the following constraints:

- a) Each individual contestant must present a minimum of seven (7) minutes of oral argument, including questioning.
- b) Petitioners may reserve a maximum of three minutes of “rebuttal” from their twenty minute total.
- c) Only one team member may deliver the rebuttal.

1.3.1 Tournament. A tournament consists of (a) a **minimum** of two “preliminary hearings,” during which teams of contestants argue in behalf of both Petitioner and Respondent, and (b) at least one “Elimination” hearing, which is used to determine the First Place team. The Tournament Director may organize additional “Elimination” hearings, such as “Quarter-finals” and “Semi-finals.”

1.3.2 Types of tournaments. The ACMA recognizes invitational, regional and national tournaments (see Article 4 below).

1.3.3 Accreditation. All tournaments are established and accredited by the Executive Committee of the ACMA and shall follow the Code of Professional Conduct and Decorum (Article 2) and the Tournament Rules (Article 3).

1.4 Tournament Director. A Tournament Director is any faculty or staff member at an accredited American college or university or attorney who organizes an inter-collegiate undergraduate tournament authorized by the Executive Director for invitational tournaments and by the Executive Committee of the ACMA for the regional and national tournaments.

1.5.1 Coach. A Coach is any faculty, staff member, or attorney who serves as the advisor for the teams from a particular school (defined as a an institution of higher education offering a course of general studies leading to a bachelor's degree). An undergraduate student may not serve as a coach. All materials and correspondence from the ACMA and Tournament Directors shall be sent to the designated Coach only.

1.5.2 Teams without a coach. Teams without a Coach are eligible to compete as long as they meet the requirements of Rule 1.1.2. Teams without a Coach must supply the name and address of only one contact person who will be responsible for receipt of all materials and correspondence with the ACMA and Tournament Directors.

1.5.3 Number of coaches. The teams from each school may have only one officially designated Coach who is responsible for managing all correspondence with the ACMA and Tournament Directors. However, a team may use the coaching services of any number of faculty, staff members and attorneys before or during tournament competitions except during a hearing as specified in Rule 3.11 below.

ARTICLE 2: CODE OF PROFESSIONAL CONDUCT AND DECORUM

2.1 Ideals of the ACMA. The ideals of fair play, civility, and friendship shall guide the conduct of all participants throughout all moot court activities including, but not limited to tournament hearings, breaks between hearings, organizational meetings, and team practices.

2.2 Integrity. Participants shall strive to exemplify the highest ideals of the legal profession, to maintain the highest standards of ethical conduct, and to achieve excellence and integrity.

2.3 Courtesy. Courtesy toward opposing team members, judges, tournament officials, coaches, and one's own team members is expected of all participants.

2.4 Demeaning, harassing, or disruptive behavior. Participants shall not engage in any behavior designed to demean, harass or embarrass any other participant or solely to garner notoriety or publicity for themselves or their school.

2.5 Abiding by the rules. All participants in moot court are expected to abide by the rules as established in this document. Failure to conform to the rules may lead to a loss of points or sanctions under Article 10 below.

ARTICLE 3: TOURNAMENT RULES

3.1 Application of rules. All the rules in this section apply to any tournament sanctioned/accredited by the ACMA.

3.2 Registration required. Teams must register and remit the required registration fees by the dates posted by the Tournament Director in order to be eligible to participate in the tournament.

3.3 Team identification. Each team shall be assigned a team number by the Tournament Director. Teams may not be identified or identify themselves by institutional affiliation.

3.4.1 Timekeeping. Prior to the beginning of each round, each team shall indicate to the bailiff and judges how it wishes to allocate its time (subject to the constraints in Rule 1.2.2 above). If there is no bailiff to monitor time, and there is no other individual in the courtroom whom the judges can appoint as timekeeper, each team shall keep time for the opposing team.

3.4.2 Timekeeping procedures. Timekeepers shall display time cards so that they are visible to the attorney-contestant who is presenting oral argument and to the panel of judges. At the end of the time allocated for each attorney-contestant, the timekeeper shall announce "time" so that the attorney-contestant and judges will know that time has expired.

Comment to Rule 3.4.2. Although Tournament Directors shall attempt to recruit bailiffs for all hearings, there will be hearings in which teams must keep time for their opponents. Coaches are responsible for ensuring that their teams are familiar with the rules regarding allocation of time and experienced in keeping time. The Tournament Director shall provide a watch or timer that allows for accurate timekeeping. Teams should be instructed that intentional inaccurate timekeeping is considered an egregious rule violation that is subject to severe penalties under Article 10 below.

3.5 Use of notes and visual aids. Attorney-contestants may use notes at any time during the hearing. However, no charts, diagrams, or other visual aids shall be used during oral arguments.

3.6 Extension of oral argument. Judges may permit a **brief** extension of oral argument if an attorney-contestant's time is exhausted while she is answering a judge's question and she requests such an extension.

3.7 Critique. After hearing arguments of both teams, judges should offer evaluations of performance in a short "feedback" period.

3.8 Competitions are open to the public. All hearings shall be open to the public. However, the judges may clear the courtroom during their deliberations at the end of a hearing.

3.9 No substitutions. A team of the same two attorney-contestants must represent the Petitioner and/or the Respondent for every hearing of the Tournament. Substitutions are not permitted once the Tournament begins. If a team member is unable to complete the competition, that team will forfeit their next round.

3.10 No coaching during hearings. Coaches must not contact or attempt to contact by any means, whether personally or through another person, directly or indirectly, verbally or nonverbally, a member of a team during a hearing.

3.11 Closed problems. The problems presented for the ACMA Tournament are closed problems. Students may discuss cases outside the Table of Authorities **solely to the extent that they are quoted and cited within the official cases.** Judges are to be informed to deduct points as a penalty for use of prohibited materials.

Comment to Rule 3.11. For example, if a case is simply included in a string quotation, that case cannot be discussed unless the student says that this case of X v. Y was cited by the court in [official case within the record] to support its holding. Any detailed discussion of the facts or reasoning of X v. Y would be inappropriate unless those matters specifically appear in the official case.

3.12 Bench briefs. A Bench Brief may be distributed to judges for the purposes of briefing them on the constitutional issues presented in the problem. The contents of the Bench Brief are strictly confidential. Any team that uses material from the Bench Brief in its preparation shall be disqualified.

3.13 Judges' decisions final. All decisions of the Judges regarding scoring are final subject to the certification of the ballots by the Tournament Director and the National Tournament Committee. In case of an incomplete or unclear judging form, the Tournament director shall have the final determination.

Article 4: TOURNAMENTS

4.2.1 Regional Tournaments. Regional Tournaments are those qualifying tournaments that are recognized and supported by the Executive Committee of the ACMA. Each year the Executive Committee shall establish a deadline by which all Regional Tournaments are held.

4.2.2 Location and dates. The Executive Committee of the ACMA shall establish the location and dates of Regional Tournaments. The following Regional Tournament locations have been approved by the ACMA:

- Eastern Regional at Fitchburg State College
- Mid-Atlantic Regional at Regent University Law School
- Midwestern Regional at The College of Wooster
- Southeastern Regional at Armstrong Atlantic College
- Southwestern Regional at Texas Tech University
- Upper Midwestern Regional at Hamline College

- Western Regional at University of California, Long Beach

4.2.3 Regional authority. ACMA rules are applicable at all designated regional tournaments. Each region shall determine rules regarding its non-ACMA tournaments that are held throughout the year. In the event there are no specific ACMA rules regarding procedural issues or conflicts that arise during the course of the ACMA tournament process, the region, in consultation with the Executive Director and/or President, retains full authority to make determinations about the proper interpretation of the rule to be applied according to its own rulemaking procedures.

4.2.4 Team limits. A school may register an unlimited number of teams for regional competition. Although schools may enter teams in any Regional Tournament (subject to space limitations to be set by the regional tournament director), no team may be entered in more than one Regional Tournament in a given year. Only eight teams from an institution may qualify for the National Tournament, regardless of in which regions they compete. If more than eight teams from the same school earn bids, the school may determine which eight teams will represent it.

4.2.5 Unaffiliated teams. A team comprised of members of two different schools shall be considered unaffiliated for purposes of team limits and same school restrictions.

ARTICLE 5: JUDGING CRITERIA

5.1 Scoring system. All tournaments sanctioned by the ACMA shall use the 400-point scoring system outlined on the ACMA Official Ballot (Appendix A).

5.2 Scoring based on presentation. Oral arguments shall be scored on the basis of quality of presentation, not on the merits of the case.

5.3 Scoring standardized to two ballots. Each preliminary hearing will generate a number of wins that corresponds with *TWO* ballots. As currently configured, using a three-round system, the maximum record a team can attain is 6-0, hence 6 wins. The worst record is 0-6, hence 0 wins. Ties will count as .5 ballots. The wins will be tabulated based upon the portion of the ballots that a given team actually receives from the number of judges assigned to a particular hearing as indicated in the Calculation Sheet (see Appendix D). The total number of wins a team receives will be used to determine which teams qualify for the elimination rounds. In all instances, the numeric score will take priority over any written comments by the judge.

5.4 Brief writing competitions. Brief Writing Competitions shall be scored using the nine (9) criteria summarized on the ACMA Brief Writing Evaluation Form (Appendix B).

ARTICLE 6: TOURNAMENT PAIRINGS

6.1.1 Regional Tournaments: Preliminary rounds. The Regional Tournaments shall consist of at least three preliminary rounds of competition, wherever practicable, in which all teams compete. Each competing team shall represent each side of the case with a coin toss procedure used to determine which team represents Petitioner and Respondent in the third round. If there are four preliminary rounds then each team represents each side twice.

6.1.2 Pairings at Regional Tournaments. Teams shall present Oral Arguments before different Judges in each round, and no two teams shall be paired for more than one hearing during the preliminary rounds.

6.1.3 Same school constraint. Teams shall be randomly paired against other teams except that teams from the same school should not be paired at Regional Tournaments if possible. It is permissible for a team to face a different team or teams from the same school.

6.1.4 Elimination Rounds. Teams shall advance to the elimination rounds based upon the win-loss record from the preliminary hearings. In the event of a tie, the combined point differential from the preliminary rounds shall determine which team advances.

6.1.5 Number of teams that break. Although a minimum of sixteen teams are advanced to the elimination rounds at the national tournament, Regional Tournaments, depending on size, may advance fewer teams at the discretion of the Tournament Director.

6.2.3 Pairings in preliminary rounds. In the first round, teams shall be paired against other teams using a formula based upon their regional record and the historic strength of each regional tournament subject to the constraint listed below in 6.2.4.

6.2.4 Same school constraint. No team shall face another team from the same school in a preliminary round at the National Tournament.

6.2.5 Elimination Rounds. Teams shall advance to the elimination rounds based upon the win-loss record from the preliminary hearings. In the event of a tie, the combined strength of each team shall determine which team advances.

6.2.6 Number of teams that break. A minimum of sixteen teams shall advance to the elimination rounds at the National Tournament. All teams that finish with 5.5 wins or greater in the preliminary rounds shall advance. If more than sixteen teams meet this criterion, an additional elimination round shall be added to reduce the field to sixteen. At the discretion of the National Tournament Committee, all teams with 4 wins shall advance up to a maximum of 32 teams.

6.2.7 Brackets. Teams shall be paired according to a “brackets” scheme such that the highest scoring team shall be paired against the lowest scoring team in the eliminations, and so forth.

6.2.8 Breaking brackets. Brackets shall be broken to prevent teams from the same school from competing during the elimination rounds. However, there will be no breaking of brackets in the semi-finals of the National Tournament.

6.2.9 Coin toss. Competing Teams shall determine which team represents Petitioner and Respondent using a coin toss procedure.

ARTICLE 7: TOURNAMENT JUDGES AND OFFICIALS

7.1.1 Judges. Judges for tournaments may be recruited by the Tournament Director from local bar associations, institutional moot trial and law school alumni or any other reasonable source.

Tournament Directors shall make every effort to recruit at minimum two individuals to act as Judges for each hearing.

7.1.2 Preparation of Judges. The Tournament Director is responsible for instructing Judges regarding the Tournament Rules and the scoring system. The Tournament Director shall provide Judges with copies of the problem and Bench Briefs (if available) in advance of the tournament.

7.1.3 Coaches as Judges. Whenever there are insufficient Judges to provide adequate Judges for a round of competition, the Tournament Director may recruit Coaches to serve as Judges. When Coaches serve as Judges, they may not judge any oral arguments involving their own teams. Coaches who serve as Judges shall set aside any partisan interests and be fair and reasonable in presiding and scoring as Judges.

7.2 Officials. Every tournament shall have a Director. The Director may recruit such other officials as are needed to assist with the smooth operation of the tournament.

7.3 Tabulation of scores. All ACMA sanctioned tournaments shall use the same scoring system. The Tournament Director shall appoint neutral parties to input data into the scoring system.

7.4 Verification of scores. At the conclusion of the preliminary rounds, a summary of the data inputted as well as the win/loss decision of each round shall be made available to the Coaches for inspection. Coaches shall have the opportunity to match the score sheets against the data input to insure no errors were made prior to the assignment of the next round. Teams without Coaches shall not have access to this material, but they may request that a Coach review their scores for possible errors.

7.5 Announcement of scores. All scores shall be kept confidential. Only the tabulators, Coaches, and the Tournament Director shall have access to ballots. Announcement of scores to student-competitors shall be made only after all ballots have been entered and verified for accuracy.

7.6 Distribution of score sheets. At the conclusion of the Tournament, the Tournament Director shall provide copies of the score sheets for all the teams from each school to the Coach of that school.

ARTICLE 8: TOURNAMENT FACILITIES

8.1 Facilities. The Tournament Director shall provide facilities that are adequate for the tournament. Each hearing shall be held in a separate room. The tournament host is responsible for providing lecterns or podiums, time cards, and timers or watches for all rooms where hearings are held.

8.2 Handicap accessibility. The Tournament Director shall consider and accommodate the needs of handicapped participants, Judges and spectators to the fullest extent possible. Member institutions sending any students with special needs should notify the Tournament Director as early as possible so that such needs can be accommodated.

ARTICLE 9: VIDEOTAPING

9.1. Videotaping. Hearings may be videotaped. All participants agree to permit videotaping and the dissemination of these videotapes by ACMA when they ask to participate. Videotaping of hearings by participating teams is permitted if:

- (a) the person videotaping the round is affiliated with one of the schools competing in the round,
- (b) the videotaping does not interfere with the conduct of the hearing.

Comment to rule 9.1. Videotaping can serve many educational purposes, and it is encouraged for such purposes. However, videotaping for "scouting" purposes is not permitted by the rule. In addition, no host institution is ever obliged to provide videotaping equipment, a space convenient for videotaping, or even access to an electrical outlet. No one is entitled to videotape, and a tournament should never be slowed down to accommodate videotaping.

9.2. Use of videotapes. ACMA tournament events may be videotaped for promotional purposes or by the media for news purposes. Individual schools may also videotape any hearing in which one of their own teams is participating. Taping of teams in other circumstances is allowed only with their permission. The use of videotapes made during moot court competitions is restricted to the educational use of the institution making the tape. No commercial use is allowed without permission from ACMA and the participants.

ARTICLE 10: RULE VIOLATIONS

10.1.1 Complaints and sanctions. As specified under Rule 3.13, all decisions of the Judges regarding scoring are final. If a team believes that an opposing team has violated the Tournament Rules, such as by utilizing material from cases outside the Table of Authorities, it is the responsibility of that team to bring such a violation to the attention of the Judges during

the course of oral argument. The Judges shall deduct points for any rule violation as they deem appropriate.

10.1.2 Egregious violations. A Coach may file a complaint of an egregious violation of the Tournament Rules (defined in 10.1.3, below) with the Tournament Director. The Tournament Director is empowered to meet with the Coaches of the teams involved in the complaint and to seek a mutually satisfactory resolution of the complaint.

10.1.3 Definition of egregious violations. Violations of the rules that are sufficiently egregious to warrant ACMA sanctions include, but are not confined to, the following:

- (a) Coaching during a hearing.
- (b) Physical or verbal abuse of any participant.
- (c) Destroying or defacing an opponent's notes or other property.
- (d) Intentional inaccurate time keeping.
- (e) Using an ineligible person as a team member.

These examples are not intended to provide an exclusive list of egregious violations, but rather are intended to serve as a guide for participants. However, minor, inadvertent or harmless rule infractions shall not be used as a means to gain strategic advantage or to harass an opponent.

10.2.1 Sanctions at ACMA Regional Tournaments. If informal resolution of a claimed rule violation is not possible and the complaint involves egregious conduct, the Regional Tournament Director or a Coach may file a written appeal documenting the violation in question to the Executive Committee of the ACMA. The Executive Committee of the ACMA may, by a majority vote, sanction a team by excluding them from participation in the next National Tournament.

APPENDIX C

PROCEDURAL GUIDELINES

The following procedural appendix is included as an aid in training teams for competition. Thus, most of the following points are recommended rather than required by ACMA rules. However, items in italics are mandatory as they are abstracted from the rules.

1.1 General procedures. As much as possible, moot court should resemble the form and procedures of an appellate court. Attorney-contestants should wear business apparel and always treat the court with respect. Attorney-contestants should avoid being overly aggressive in presenting their arguments and should never exhibit hostile behavior toward the court or to opposing counsel.

1.2 Use of gestures. Attorney-contestants should present their argument from behind the podium or lectern, and should avoid distracting gestures such as waving their arms or pounding the podium.

1.3 Use of notes. Attorney-contestants may use notes at any time during the hearing. However, they are encouraged to give their opening statements without notes and to minimize the use of notes at other times. Attorney-contestants should maintain eye contact with the Judges throughout their oral argument.

2 Opening statement. In their opening statement, attorney-contestants should state “May It Please the Court” and wait for an affirmation from the Court. The first speaker should introduce both him or herself and his or her teammate and should inform the court which question or issue each team member will address. The second speaker should also introduce him or herself to the court. The opening statement of each attorney-contestant typically provides a brief summary of the key points of argument to be presented or provides the court with a clear picture of the case.

3 Statement of the facts of the case. The first speaker for Petitioner should be prepared to provide a clear, concise statement of the facts. However, the statement of facts should be as short as possible to provide the factual context for discussing the legal and constitutional issues of the case. Sometimes the first speaker for Petitioner will simply ask the court if it wants a summary of the facts before moving to her main arguments. In general, Respondents should not provide a second statement of the facts, but Respondents may want to draw attention to some facts that they believe have been omitted or misrepresented by Petitioner.

4 Presenting arguments. Attorney-contestants should provide a “road map” of their overall

argument, and they should start with their strongest points to ensure that they do not run out of time without presenting their strongest points. In general, attorney-contestants should state their conclusions first and then provide the facts and law to support their conclusions. Attorney-contestants should provide case citations to support their arguments, but should avoid lengthy quotations from cases. Time permitting, each speaker should provide a summary of the arguments that integrates their main points into a coherent whole.

5 Conclusion. Attorney-contestants should conclude with a one-sentence request for relief and an "unamplified identification of the ground on which the relief would be based." A "prayer" is not a proper concluding request in the Supreme Court of the United States.

6 Petitioner's rebuttal. As specified in Rule 1.2.2, *Petitioners may reserve a maximum of three minutes of "rebuttal" from their twenty minute total.* As specified in Rule 3.4.1, Petitioners must make their request to reserve time for a rebuttal *prior to the beginning of each round.* The purpose of a rebuttal is to respond to the Respondent's arguments, and it is inappropriate to attempt to introduce new arguments during the rebuttal.

7 Questioning by Judges. In a typical hearing, attorney-contestants will not be able to present their arguments without frequent interruption by Judges' questions. When interrupted by a Judge's question, an attorney-contestant should stop speaking immediately and focus on understanding and replying to the Judge's question. When answering a Judge's question, the attorney-contestant should address the Judge as "Your Honor." Attorney-contestants should always attempt to provide clear and definite answers that address the Judge's concerns. Evasive answers tend to engender more pointed questions and to lower the attorney-contestant's scores. Unwillingness to answer a question will be interpreted as disrespect for the court. Once an attorney-contestant has answered a Judge's question, she should return to the presentation of her argument.

APPENDIX D

CALCULATION SHEET FOR TABULATING PRELIMINARY ROUNDS AT THE NATIONAL TOURNAMENT

If two judges:

Each judge's decision will count as an independent win, loss or tie based upon the criteria described in Article 5 above and be awarded the corresponding number of ballots.

If three judges:

A team would receive the following range of ballot:

- 3 wins = 2 ballots (3-0 decision)
- 2.5 wins = 1.67 ballots (2-0-1 decision)
- 2 wins = 1.34 ballots (2-1 or 1-0-2 decision)
- 1.5 wins = 1 ballots (1-1-1 decision)
- 1 win = .67 ballots (1-2 or 0-1-2 decision)
- .5 win = .33 ballots (0-2-1)
- 0 wins = 0 ballots

If four judges:

- 4 wins = 2 ballots (4-0 decision)
- 3.5 wins = 1.75 ballots (3-0-1 decision)
- 3 wins = 1.5 ballots (3-1 or 2-0-2 decision)
- 2.5 wins = 1.25 ballots (2-1-1 or 1-0-3 decision)
- 2 wins = 1 ballot (2-2 or 1-1-2 decision)
- 1.5 wins = .75 ballots (1-2-1 or 0-1-3 decision)
- 1 win = .5 ballots (1-3 or 0-2-2 decision)
- .5 win = .25 ballots (0-3-1 decision)
- 0 wins = 0 ballots

If five judges:

• 5 wins =	2 ballots	(5-0 decision)
• 4.5 wins =	1.8 ballots	(4-0-1 decision)
• 4 wins =	1.6 ballots	(4-1 or 3-0-2 decision)
• 3.5 wins =	1.4 ballots	(3-1-1 or 2-0-3 decision)
• 3 wins =	1.2 ballots	(3-2, 2-1-2, or 1-0-4 decision)
• 2.5 wins =	1 ballot	(2-2-1, 1-2-3, or 0-0-5 decision)
• 2 wins =	.8 ballots	(2-3, 1-2-2, or 0-1-4 decision)
• 1.5 wins =	.6 ballots	(1-3-1 or 0-2-3 decision)
• 1 win =	.4 ballots	(1-4 or 0-3-2 decision)
• .5 win =	.2 ballots	(0-4-1 decision)
• 0 wins =	0 ballots	

If seven judges:

• 7 wins =	2 ballots	(7-0 decision)
• 6.5 wins =	1.86 ballots	(6-0-1 decision)
• 6 wins =	1.71 ballots	(6-1 or 5-0-2 decision)
• 5.5 wins =	1.57 ballots	(5-1-1 or 4-0-3 decision)
• 5 wins =	1.43 ballots	(5-2, 4-1-2, or 3-0-4 decision)
• 4.5 wins =	1.29 ballots	(4-2-1, 3-1-3, or 2-0-5 decision)
• 4 wins =	1.14 ballots	(4-3, 3-2-2, 2-1-4 or 1-0-6 decision)
• 3.5 wins =	1 ballot	(3-3-1, 2-2-3, 1-1-5 or 0-0-7 decision)
• 3 wins =	.43 ballots	(3-4, 2-3-2, 1-2-4, or 0-1-6 decision)
• 2.5 wins =	.36 ballots	(2-4-1, 1-1-5, or 0-2-5 decision)
• 2 wins =	.29 ballots	(2-5, 1-4-2, or 0-3-4 decision)
• 1.5 wins =	.21 ballots	(1-5-1 or 0-4-3 decision)
• 1 win =	.14 ballots	(1-6 or 0-5-2 decision)
• .5 win =	.07 ballots	(0-6-1 decision)
• 0 wins =	0 ballots	

