

# 2011–2012 SPRING SHERMAN MINTON MOOT COURT COMPETITION RULES

## *HOGAN v. SCOBEE*

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# Spring Competition Instructions and Rules

## SPRING 2012 COMPETITION SCHEDULE

Brief Numbers Available	Tuesday, January 17, 12 p.m. – 1 p.m.
Briefs Due	Monday, January 30, 12 p.m.
Oral Argument Pairings Posted	Monday, January 30, 5 p.m.
Octofinal Arguments	Wednesday, February 15 & Thursday, February 16
Quarterfinal Arguments	Friday, February 17 & Saturday, February 18
Semifinal Arguments	Tuesday, February 21
Final Arguments	Friday, February 24
Graded Briefs Available	Monday, March 5, 12 p.m. – 1 p.m.

## NONDISCRIMINATION POLICY

The Sherman Minton Moot Court Board and Competition fully support the policies of Indiana University and the Law School, set forth in the Code of Student Rights, Responsibilities and Conduct (<http://www.iu.edu/~code/code/index.shtml>) and elsewhere, prohibiting bias or discrimination on the basis of gender or gender identity, sexual orientation, marital status, veteran status, religion, disability, age, race, color, socioeconomic status, ethnicity, or national or regional origin. Competitors who encounter such discrimination in the course of the Competition are encouraged to report it to the Executive Competition Coordinators, Dean Fromm, or Professor Lahn.

## SCOPE OF SPRING BRIEFS

The Spring Problem represents the ruling of the Fourteenth Circuit Court of Appeals on the issues briefed and argued during the Fall Rounds. The Supreme Court of the United States has granted certiorari to review the Fourteenth Circuit's decision. The Spring Rounds will be briefed and argued before the Supreme Court of the United States.

**Competitors will file a Spring brief on behalf of the party or parties that they DID NOT REPRESENT in their Fall brief.** That is, Competitors who wrote their Fall brief on behalf of PETITIONER will write their Spring brief on behalf of RESPONDENT and vice versa.

Competitors will not prepare or submit a brief with a partner. Instead, each Competitor shall individually prepare a brief to the Supreme Court, addressing both of the issues identified in the Supreme Court's grant of certiorari.

In briefing and addressing these issues at oral argument, Competitors may advance any argument that addresses the issues identified in the grant of certiorari and that is supported by the record. The record before the Supreme Court consists **solely** of the lower court record as cited and described in the Fourteenth Circuit's opinion. The opinion that was distributed in September as part of the Fall Rounds is **no longer** part of the record and **may not** be relied upon.

The Fourteenth Circuit opinion identifies cases and other authorities pertinent to each issue. These authorities are not exhaustive. Additional research is likely to further Competitors' understanding of the issues and quality of advocacy. Furthermore, Competitors are encouraged to monitor, throughout the Competition, developments in the law regarding the issues identified by the grant of certiorari.

## **FORM AND CONTENT OF SPRING BRIEFS**

Each Competitor shall prepare a Brief of Petitioner or Brief of Respondent to the United States Supreme Court. All briefs, whether written on behalf of Petitioner or Respondent, shall contain **only** the following sections:

1. Question(s) Presented
2. Table of Contents
3. Table of Authorities
4. Jurisdictional Statement
5. Statement of the Case
6. Statement of Facts
7. Summary of the Argument
8. Argument
9. Conclusion

The form of the briefs shall be as follows:

1. *Cover Page*: The cover page of each copy of Petitioners' brief shall be blue; the cover page of each copy of Respondent's brief shall be red. At the bottom right-hand corner of the cover page, Competitors shall type their brief number. **Competitors must pick up a brief number on Tuesday, January 17 between 12 p.m. and 1 p.m.** If you are unable to pick up your number at that time, you must email lawmoot@indiana.edu in advance to make alternative arrangements. Competitors must not include their name or any other information that might identify them and compromise the anonymity of brief grading.

Additionally, Competitors shall not put a fictitious law firm name, address, or phone number on the front cover; the space where the attorney's name and address information ordinarily would appear should be left blank.

2. *Paper Size*: Competitors shall submit their briefs on standard, 8.5-by-11-inch paper.

3. *Margins*: Competitors shall use 1-inch margins on all sides of each page.

4. *Spacing*: The text shall be double spaced, except for argument headings, lengthy indented quotations, and footnotes, which shall be single spaced in accordance with *Bluebook* rules.

5. *Length*: The briefs may not exceed thirty (30) pages. This number is a maximum, and briefs are not required to reach the 30-page limit. Briefs should be thorough in addressing the issues, regardless of length. Competitors **MAY NOT** use an alternate "word-count certification" method. The cover, Question Presented, and Tables of Contents and Authorities, and Jurisdictional Statement are **excluded** from the page count.

6. *Record Citations*: The Fourteenth Circuit's opinion, district court opinion, transcripts, and exhibits serve as the record in this case; please note that these documents are not consecutively paginated. Therefore, a citation to page six of the district court record within a brief should be in the following form: (DR. 6.) or (DR. 6), depending on the placement of the citation in the sentence; a citation to page six of the Fourteenth Circuit's opinion should be in the following form: (AR. 6.) or (AR. 6), depending on the placement of the citation in the sentence. Similarly, district court citations should appear as (Ex. 1) or (Ex. A), depending on how the document is labeled in the "Record on Appeal."

7. *Typeface*: Briefs must be typed in 12-point Times New Roman font, including footnotes. Briefs must be left aligned, except for section headings, which may be centered; point headings, which may be centered or indented in block format; and lengthy indented quotations, according to *Bluebook* R.5.1(a)(i).

8. *Binding*: Briefs must be either spiral-bound or comb-bound. Phi Alpha Delta will again be offering brief binding as a convenient option for competitors. The Board will forward more details about this service as soon as they are available.

9. *Corporate Disclosure Statements and Certificates of Service*: Briefs should not include a Corporate Disclosure Statement or Certificate of Service.

10. *Appendices*: The parties should not file or include any short appendix or other appendix with or in their briefs.

11. *Copies*: Participants must file **five (5) copies** of their briefs in the Moot Court Office by 12:00 NOON on Monday, January 30, 2012. **Briefs will be penalized two (2) points for each half hour late.** Exceptions will be made only under extreme circumstances and with Dean Fromm's approval.

12. *Citation Format & Grammar*: All citations within briefs shall be in accordance with the Nineteenth Edition of *The Bluebook: A Uniform System of Citation*. Competitors may not rely on citation forms contained in the Problem or in any sample briefs supplied by the Moot Court Board. Any grammatical or style issues not covered by *The Bluebook* will be governed by the Sixteenth Edition of *The Chicago Manual of Style*.

13. *Unpublished Opinions*: Unpublished decisions and slip opinions may be cited in briefs, subject to any restrictions on the use of those opinions imposed by the court that issued the opinion. Such decisions shall not be appended to briefs, provided that the decisions are available electronically at the website cited in the brief (such as Westlaw or LexisNexis or a publicly accessible court web site).

**Other than in the respects specified above**, briefs shall conform generally with the appearance and format of principal Briefs on the Merits that parties are required to file following a grant of certiorari in the United States Supreme Court. The Rules of the United States Supreme Court may be found at <http://www.supremecourt.gov/ctrules/2010RulesoftheCourt.pdf>.

Reliable examples of such briefs are those submitted by the Office of the Solicitor General of the United States, which may be viewed on the Solicitor General's web site at <http://www.usdoj.gov/osg/briefs/2009/3mer/2mer/toc3index.html>. Nothing in the examples supplied on that web site, however, should be interpreted to supersede the specific directions about the content and form of briefs given above.

## RESEARCH

Competitors may utilize any written or electronic source customarily used in legal research. **However, Competitors may not consult any other previously written briefs, moot court problems, or memoranda of law—whether prepared for actual cases or for other law school purposes that address in any way the substantive issues raised by this year's Problem or issues related thereto.** The Board may, in its sole discretion, treat a violation of this rule as a violation of Academic Honesty and grounds for disqualification from the Competition. (See "Academic Honesty," below).

## ACADEMIC HONESTY

The Law School's plagiarism policy and other Standards of Conduct apply to all aspects of the Competition, including the brief-writing process. Any ideas or words not of the Competitor's own invention must be properly attributed and cited.

Competitors are further prohibited from seeking assistance from anyone or discussing the Problem or rules with anyone, other than by submitting a request for clarification to the Moot Court Executive Board through the lawmoot account. The Executive Board will only respond to inquiries sent to [lawmoot@indiana.edu](mailto:lawmoot@indiana.edu), and they will not discuss the Problem or its contents in person. This prohibition includes, but is not limited to, receiving research assistance from West or LexisNexis representatives and having anyone

else edit or otherwise review their brief, even if the edits are only grammatical.

Competitors may not practice their oral arguments with any other law student; law faculty member, administrator, or staff member (at this or any other law school); or lawyer (a person holding a J.D. degree, whether or not that person is admitted to the bar or practicing law). A competitor in the Spring Rounds also may not attend another Spring argument until she or he has been eliminated from the Competition.

Once a Competitor examines the Problem, the Competitor may not allow anyone to look at the Competitor's written work or to give the Competitor advice about either the content or form of that work. This prohibition extends to drafts in any stage of completion.

**Violations of this rule will be grounds for disqualification from the Competition and other sanctions by the Law School and the University.**

### **SPRING ORAL ARGUMENTS**

The Moot Court Board created a bracket of argument pairings based on Octofinalists' overall scores from the Fall rounds. Pairings and argument sides for the Octofinal rounds will be posted on Monday, January 30, 2012, outside of the Moot Court Office. A coin flip will determine which side each competitor will argue.

NOTE: The side assigned to Competitors may differ in any given round from the side the Competitor actually briefed.

For the Quarterfinals and Semifinals Rounds argument sides will be posted by 5:30 p.m. the day before each argument. Argument sides for the Final round will be announced shortly after the last Semifinal argument is concluded on the evening of Tuesday, February 21st (i.e., at approximately 10 p.m.).

The Spring Rounds are head-to-head competitions. At the conclusion of each argument, a Competitor's Spring brief-writing score and oral argument scores for that round will be tabulated using the following percentages:

<b>Round</b>	<b>Oral Argument Score Weight</b>	<b>Brief Score Weight</b>
Octofinals	65 percent	35 percent
Quarterfinals	75 percent	25 percent
Semifinals	90 percent	10 percent
Finals	100 percent	0 percent

Of the two Competitors in each argument, the Competitor with the higher combined score shall advance to the next round (except for the Finals, in which the two Finalists with the top oral argument scores will be named the 2011-2012 Sherman Minton Champions). Advancement is therefore based strictly on a Competitor's overall performance relative to his or her opponent in that round.

By participating in the Fall Rounds and being named an Octofinalist, each Competitor agrees to fully participate in the Spring Rounds and must (1) complete a brief in accordance with the brief-writing guidelines stated above, and (2) appear for, and participate in, his or her scheduled oral argument. Failure to fully participate in the Spring Rounds of the competition will subject a competitor to academic sanctions.

**Competitors must notify the Executive Board immediately, by e-mailing [lawmoot@indiana.edu](mailto:lawmoot@indiana.edu), if they have an actual or potential conflict with any of the Competition dates or times listed in the "Spring 2012 Competition Schedule" shown at the beginning of these Rules.**

*In addition, all Octofinalists are expected to be present, and will be recognized, at the Finals on Friday, February 24, regardless of whether or not they are competing in the Finals.*

#### **SPRING ORAL ARGUMENT PROCEDURE:**

Each Competitor shall be allotted fifteen (15) minutes per oral argument. Counsel for the Petitioner will argue first, followed by Counsel for the Respondent. Counsel for the Petitioner may reserve up to five minutes for rebuttal. Rebuttal time is deducted from the fifteen-minute allotment. If Counsel for the Petitioner elects to reserve time for rebuttal, Counsel must inform the Bailiff before the argument. In accordance with procedure before the United States Supreme Court, Counsel should not reserve time orally from the panel of justices. The judges will be informed in advance that Counsel has reserved rebuttal time.

Competitors should be prepared to answer questions from judges concerning any issues raised in the Problem.

The Moot Court Board will calculate the results of each round while the judges provide feedback to the Competitors and the presiding judges will announce the results upon the conclusion of feedback.

#### **DRESS ADVISORY**

Your appearance and conduct during oral arguments are evidence of your respect for the judges, other competitors, and the Sherman Minton Moot Court Competition. As a general rule, "[a]ppropriate attire for counsel is conservative business dress in traditional "dark colors." Clerk of the Court, Supreme Court of the United States, Guide for Counsel 3 (2011), [http://www.supremecourt.gov/oral\\_arguments/guideforcounsel.pdf](http://www.supremecourt.gov/oral_arguments/guideforcounsel.pdf)

## **QUESTIONS**

Competitors may only seek clarification of these Instructions by emailing the questions to lawmoot@indiana.edu. Questions sent to a personal e-mail account of a board member will not be answered. The Board will confirm that we received questions at lawmoot@indiana.edu within twenty-four hours. Please allow up to seventy-two hours for an answer. The Board has the sole discretion to decide whether an answer is necessary or appropriate. If so, the answer will be sent out to all competitors via email.

The Board will not answer questions that seek guidance on the substance of the Problem or that competitors should reasonably be able to answer themselves through careful review of these Instructions and Rules, reading of the Problem, or legal research.

## **2012–2013 MOOT COURT BOARD SELECTION**

The selection process for the 2012-2013 Sherman Minton Moot Court Board will be announced shortly after the Finals on February 24th.

**We wish you the best of luck in the Spring Competition!**