

**RULES FOR THE TWENTY-SEVENTH ANNUAL
JOHN MARSHALL LAW SCHOOL MOOT COURT COMPETITION
IN INFORMATION TECHNOLOGY AND PRIVACY LAW**

October 23-25, 2008

- § 1000. Organization and Administration of the Competition
- § 1010. Teams
- § 1020. Briefs
- § 1030. Outside Assistance
- § 1040. Filing of Briefs
- § 1050. Oral Arguments
- § 1060. Preliminary Rounds
- § 1070. Elimination Rounds
- § 1080. General Conduct Requirements
- § 1090. Requests for Interpretation of Rules and Problem
- § 1100. Receipt of Moot Court Competition Mailings Presumed
- § 1110. Announcements of Team Scores
- § 1120. Awards
- § 1130. General Release
- Appendix Certificate of Work Product and Service

§ 1000. Organization and Administration of the Competition

The John Marshall Law School, Chicago, Illinois, sponsors the annual John Marshall Law School Moot Court Competition in Information Technology and Privacy Law. The Competition is a project of the John Marshall Law School Center for Information Technology and Privacy Law and is presented in cooperation with the Moot Court Executive Board of the John Marshall Law School. The Competition is conducted under the supervision of the Moot Court Competition Committee. The Committee has authority to interpret the Competition rules, to resolve any complaints or disputes in connection with the Competition, and to amend these rules. Decisions of the Committee regarding any aspect of this Competition are final.

§ 1010. Teams

(1) A team consists of two or three members. Only two team members will be permitted to argue within a single round of oral arguments, but all team members may participate in oral arguments during the course of the Competition.

(2) Team members must be matriculated in a full or part-time program in the law school they represent.

(3) No team member may have completed a law degree – J.D. or its equivalent – prior to September 30, 2008.

(4) A law school may enter only one team and is registered when the Committee accepts the team's application and registration fee and notifies the team that its application has been accepted. The registration fee will not be refunded in the event a registered team withdraws or defaults.

(5) Law schools in the United States that are approved or provisionally approved by the American Bar Association are eligible to apply for entry into the Competition. Accredited educational institutions outside the United States with a program of study in law may apply at the discretion of the Committee.

(6) There will be no substitution of team members after a team has submitted its brief, except upon the written consent of the Committee pursuant to a petition for substitution based on good cause.

§ 1020. Briefs

(1) Each team will elect to write its brief for the petitioner (or appellant) or the respondent (or appellee).

(2) Briefs shall conform to the Rules of the United States Supreme Court except as modified by these rules. A formal statement of jurisdiction is optional. All citations must be complete and in the form prescribed by The Bluebook: A Uniform System of Citation (18th ed., 2005). A team may elect to use ALWD Citation Manual: A Professional System of Citation (3rd ed., 2006) in lieu of The Bluebook; a team that so elects must include a footnote to that effect in the Table of Authorities section of its brief.

(3) Briefs will be scored on a scale of 100 points. Scholarly research, presentation of concise and cogent arguments, and writing style will account for 90 points of the score, and technical matters (including timeliness) will account for the remaining 10 points. The brief score will remain constant throughout the Competition and will be weighted equally with oral argument scores to determine a team's aggregate score for each round.

(4) The combined length of the summary of argument and argument sections of the brief may not exceed 40 double-spaced pages, printed on one side of each page, with typed matter not exceeding 6.5 x 9 inches (165 x 229 mm) excluding page numbers. The paper used may be either 8.5 x 11 inches (letter size) or 210 x 297 mm (A4 size). Briefs must be formatted using 12 point Times New Roman font. Footnotes and quoted material need not be double spaced, and a slightly smaller type size may be used for footnotes. Appendices, if included, shall contain only the relevant text of cited authorities such as statutes, constitutions, and regulations. Appendices shall not contain excerpts from cases or law review articles, arguments to supplement the brief, or any other material. Each printed copy of the brief must be fastened along the left margin with either three staples or a plastic binding.

(5) **The name of the law school must not appear anywhere in the brief.** The cover of the brief must state only the team number assigned by the Committee.

(6) By submitting briefs, teams consent to publication of their briefs online and in print, and agree to assign copyright ownership to The John Marshall Law School upon request.

§ 1030. Outside Assistance

(1) Participating law schools may not use the Competition Record in an intra-school competition for the purpose of selecting team members for the Competition. No team may receive any assistance in writing its brief. This rule shall not prevent the faculty, administration, other students, or attorneys from participating with team members in preliminary general discussions of the problem.

(2) After the brief has been filed, teams may receive assistance in the preparation of their oral arguments. However, this assistance is limited to judging and critiquing oral argument practices. Competitors are solely responsible for argument formulation and strategy.

(3) As part of the certification required by § 1040, each team member will attest that the team's brief is solely the result of the named team members' efforts and that the team members did not receive faculty or other outside assistance contrary to the provisions of this section.

§ 1040. Filing of Briefs

(1) The filing deadline for briefs is **11:59 pm on Friday, September 26, 2008.**

(2) Each team will file the following items with the Committee by the filing deadline: (a) four printed copies of the brief; (b) a certificate of service and work product, in the form specified in the appendix following these rules; and (c) an e-mailed copy of the brief suitable for posting on the Competition's web site, in both Adobe PDF or Microsoft Word format.

(3) The printed copies and certificate of service and work product (original copy only) must be sent to the Committee at the following address via registered or certified Priority Mail, for teams from the United States, or via Air Mail, for teams from other countries.

**Moot Court Competition Committee
c/o Moot Court Board
The John Marshall Law School
315 South Plymouth Court
Chicago, Illinois 60604**

The date of filing will be established by the postmark date (not including a private postage meter), if an official and legible postmark appears on the envelope, or by the date of receipt at John Marshall if no such postmark appears. A penalty of 5 points will be deducted from the total brief score for each day that a brief is late. Briefs filed more than seven days late will not be accepted and the team will be disqualified. A penalty of

2 points will be deducted from the total brief score for failure to comply with the submission procedures in this rule.

(4) The electronic version of the briefs must be sent via electronic mail to the Competition Coordinator at itmootcourt@jmls.edu, subject line to read: Team (#) – Respondent (Petitioner) Brief. The filename for this document should be in this format: team123.pdf and team123.doc, where “123” represents the team number. The body of the message to which the file is attached should identify the team number, the name of the school, the names of the team members, and the side on whose behalf the brief was written (Respondent or Petitioner).

(5) The Committee will post a copy of each team’s brief on the Competition’s official web site at <http://www.itmootcourt.com> after the filing deadline. Teams need not serve copies of their brief upon one another.

(6) A brief may not be corrected, revised, or supplemented after it has been submitted to the Committee.

§ 1050. Oral Arguments

(1) Oral arguments will be held in Chicago, Illinois, on **October 23, 24, and 25, 2008.**

(2) Each team will be allowed thirty minutes for argument in each round. Each team may use reasonable discretion in allocating the thirty minutes between two oralists. The team representing the petitioner (or appellant) may reserve up to five minutes of its time for rebuttal by addressing such request to the Court at the commencement of argument. Before commencement of oral argument, each team must advise the bailiff of the allocation of time between its members. The Court may interrupt argument for questions and in its discretion may allow additional time.

(3) Team members will announce their names and team number at the beginning of the argument but must not reveal the name of their law school. Judges must neither ask nor know the identity of the teams arguing before them either before or after grading the arguments. To minimize the likelihood that judges will learn the identity of teams, advisors and other persons accompanying a team must not associate

with team members in the courtroom or elsewhere while in view of judges. Advisors and other persons accompanying a team should not be present in a courtroom if their presence is likely to compromise the anonymity of one or both competing teams.

(4) Bailiffs will signal by card when five minutes and two minutes remain in the time allotted for each speaker's argument and at the expiration of the time allowed.

(5) In determining the scores, judges may not take into consideration the merits of the case.

(6) Judges may not disclose winners or scores to anyone other than the Committee or its designee. They may comment on the performance of speakers or teams after the scores have been submitted for tabulation.

(7) During a round, only the participating oralists and the third member of a team, if any, may sit at the counsel table. Other persons from the same law school may be present in the room but may not be seated with and may not confer with those seated at the counsel table. If the judges provide a critique at the conclusion of a round, only the team members and advisors may be present in the room during the critique.

(8) No team members, advisors, relatives or friends of team members or advisors may listen to the arguments in any preliminary, octofinal, quarterfinal or semifinal rounds in which they are not directly competing. This rule does not apply to a team subsequent to its elimination from the Competition.

(9) The Committee may direct that any round or portions thereof be recorded or transmitted using any medium now known or later developed. By participating in the Competition, all teams consent to such recording or transmission.

§ 1060. Preliminary Rounds

(1) Each team will argue in two preliminary rounds. Barring extraordinary circumstances, no team will argue the same side of the case or against the same team in both preliminary rounds. The Committee will pair teams through a random selection process subject to the foregoing constraints.

(2) In each of the preliminary rounds, **each student** who argues will be scored on a scale of 100 points. Each team will receive a single oral argument score for the preliminary rounds that will be the average of the four individual oralist scores.

(3) The aggregate score for the preliminary rounds will be the total of the brief score and the average oral argument score.

§ 1070. Elimination Rounds

(1) Octofinal Round: The sixteen teams with the highest aggregate scores from the preliminary rounds will qualify for the octofinal round. Ties in qualifying scores will be broken in favor of the team having the higher brief score. If two teams have the same brief score, ties will be broken in favor of the team with the highest aggregate point difference over both opponents in the preliminary rounds.

(2) Quarterfinal Round: The winner of each octofinal pairing will advance to the quarterfinal round.

(3) Semifinal Round: The winner of each quarterfinal pairing will advance to the semifinal round.

(4) Ambassador Round: An additional round may be held immediately prior to the final round, between two teams selected by the Committee based upon their performance through the quarterfinal round.

(5) Final Round: The winner of each semifinal pairing will advance to the final round.

(6) Scoring: In each elimination round, **each team** that argues will be scored on a scale of 100 points. Each team's average oral score will be added to its brief score to determine its aggregate score. The winner of each pairing will be the team with the higher aggregate score for that round and will advance to the next round. Ties will be broken in favor of the team having the higher brief score.

(7) Pairings and Side Selection: A seeding chart for the sixteen teams advancing to the octofinal round will pair the team with the highest aggregate score from the preliminary rounds against the team with the lowest aggregate score from the preliminary rounds and the remaining teams will be paired in the same manner, i.e.,

second highest aggregate score from the preliminary rounds versus the second lowest aggregate score from the preliminary rounds, etc. As teams are eliminated, the remaining teams will be paired in each round according to their position on the original seeding chart. For each elimination round, the selection of sides will be by coin toss. The seeding chart will not be disclosed to competitors until after the conclusion of the Competition.

§ 1080. General Conduct Requirements

All competitors are required to conduct themselves in a responsible and professional manner in preparing briefs and presenting oral arguments. The Committee will investigate and resolve any reported infractions of these rules. Every participating school and its representatives are bound by these rules.

§ 1090. Requests for Interpretation of Rules and Problem

(1) The Committee will make all necessary interpretations of the rules and the record on appeal. All questions must be submitted to the Committee via email on or before **August 31, 2008**.

(2) The Committee will inform participating teams of the questions and answers by posting interpretations after September 7, 2008 on the Competition's official web site **<http://www.itmootcourt.com>**. Such interpretations will be final.

(3) All requests for interpretation should be sent to:

**Moot Court Competition Coordinator
itmootcourt@jmls.edu**

Subject line to read: **Request for Interpretation**

§ 1100. Receipt of Moot Court Competition Mailings Presumed

Each team is presumed to have received any Competition mailing or email addressed to the contact person indicated on the team's registration form. Teams are responsible for providing and updating their contact person's current email address.

§ 1110. Announcements of Team Scores

Oral argument and brief scores will be posted on the Competition's official web site after the end of the Competition.

§ 1120. Awards

Trophies will be awarded to the first place, second place, semifinalist teams and the winner of the Ambassador Round; to the teams that submitted the best petitioner's brief and the best respondent's brief; and to the best oralist, as determined by oral argument scores in the preliminary rounds. The winning briefs will be published in The John Marshall Journal of Computer & Information Law. A participant must have argued in both of the preliminary rounds in order to be eligible for the best oralist award.

§ 1130. General Release

Participation in this competition as a team member or in any other capacity constitutes consent to be recorded, including without limitation by audio, video, and still images. Participants understand that such recordings may be distributed by means of a variety of media, formats, and contexts, and that this may occur during the competition and thereafter. Participants waive all claims for any compensation and for any damages or other remedies in connection with such recordings and the use thereof.

Appendix

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CERTIFICATE OF SERVICE AND WORK PRODUCT

We, the undersigned, certify that the _____ (school's name) brief is solely our work product and that we have not received faculty or other outside assistance contrary to the provisions of § 1030 of the Rules of this Competition.

We also certify that a copy of our brief has been sent via electronic mail to the Competition Coordinator in accordance with § 1040 of the Rules of this Competition.

TEAM MEMBER #1

(Printed or typed name)

(Signature)

TEAM MEMBER #2

(Printed or typed name)

(Signature)

TEAM MEMBER #3

(Printed or typed name)

(Signature)

DATE _____

TEAM NUMBER _____