

TYLA STATE MOOT COURT COMPETITION

RULES

Chapter 1. General

§ 1.01. Name and Sponsorship.

The State Moot Court Competition is sponsored annually by the Texas Young Lawyers Association (“TYLA”) for Texas law schools. The competition is held in conjunction with the annual meeting of the State Bar of Texas.

§ 1.02. Moot Court Committee.

The TYLA president will appoint a committee to conduct the competition.

§ 1.03. Mailing of Documents.

- (a) Under these rules, a document includes briefs and any correspondence with the State Moot Court Committee.
- (b) A document is filed by delivering it to the State Moot Court Committee Chairperson, with a copy delivered to each team. The copy may be sent by email to each team contact.
- (c) A document received within ten days after the filing deadline is considered timely filed if:
 - (1) it was sent to the proper designated State Moot Court Committee Chairperson by United States Postal Service first-class, express, registered, or certified mail;
 - (2) it was placed in an envelope or wrapper properly addressed and stamped; and
 - (3) it was deposited in the mail on or before the last day for filing.
- (d) Proof of Mailing. Though it may consider other proof, the State Moot Court Committee will accept the following as conclusive proof of the date of mailing:
 - (1) A legible postmark affixed by the United States Postal Service;
 - (2) A receipt for registered or certified mail if the receipt is endorsed by the United States Postal Service; or
 - (3) A certificate of mailing by the United States Postal Service.
- (e) A document shall be considered mailed on the date it is received unless a team can provide proof of mailing as outlined in subsection (1.03(d)).
- (f) If the deadline for sending a document falls on a Saturday, Sunday, or legal holiday, the time for sending the document shall be extended to the end of the next day that is not a Saturday, Sunday, or legal holiday.
- (g) Each document must contain a certificate that it has been served on all participants and the State Moot Court Committee Chairperson. The certificate should only identify the team by its team number.

- (h) The State Moot Court Competition Committee will provide each team with the name, address, fax, and e-mail of the Chairperson, and the name, address, fax, and e-mail of each team contact.

§ 1.04. Coaches Meeting.

Before the commencement of the oral arguments, there will be a coaches meeting to discuss procedures and rules. Every school should send at least one representative.

§ 1.05. Conduct.

The conduct of all participants in the competition shall be governed by the standards set out in the Texas Disciplinary Rules of Professional Conduct, the Code of Judicial Conduct, and the Texas Lawyer's Creed.

§ 1.06. Final Report.

- (a) The State Moot Court Committee will send a final report to all participating law schools not later than four weeks after the completion of the competition.
- (b) The State Moot Court Committee will send each school copies of its team's oral argument ballots, summary of all brief rankings of the three brief judges, the bench brief, and the master score sheet.

Chapter 2. Teams

§ 2.01. Selection.

- (a) Each Texas law school may enter one team in the competition. A team shall consist of two or three law students.
- (b) The team selected in subsection (a) shall both write the brief and compete in the oral competition. A team consisting of three law students, however, is not required to enter all three team members in the oral competition.
- (c) There shall be no substitution in the membership of a team except for good cause such as death, illness, or other similar circumstances as determined by the Committee. A team must obtain written approval of the Committee to substitute a team member after the brief is filed.

§ 2.02. Law Students.

For the purposes of these rules, a law student is a person enrolled at the participating school during the spring or summer of the year of the competition. Only students who are candidates for a juris doctor degree may compete, except that students graduating in the spring semester or quarter are still eligible to compete.

§ 2.03. Team Numbers.

The State Moot Court Committee will assign each team a number selected by lot. This team number will be the sole method for identifying the team in the oral competition.

§ 2.04. Assistance.

Because the purpose of this competition is educational, a team may receive assistance in preparing its brief as long as the brief is primarily the work product of the two or three team members who are selected for the competition pursuant to Rule 2.01(a). Teams are encouraged to seek assistance in preparing for the oral arguments.

Chapter 3. Problem

§ 3.01. Distribution and Content.

- (a) The problem for the competition will be prepared and distributed by the State Moot Court Committee before or during January of each year. It will consist of a court of appeals opinion and such other parts of the record as the State Moot Court Committee may deem necessary to give the participants a complete understanding of the case.
- (b) The problem will deal with matters of current and general interest. The persons and events depicted in the problem are purely fictional and are prepared solely for the educational exercise being conducted in this competition. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

§ 3.02. Court.

In even-numbered years, the problem will be a civil cause before the Texas Supreme Court. In odd-numbered years, the problem will be a criminal cause before the Texas Court of Criminal Appeals.

Chapter 4. Briefs

§ 4.01. Civil Year Problem - Briefs before the Texas Supreme Court

- (a) In even-numbered years, each team shall prepare and submit a brief on the merits for either the Petitioner or the Respondent. Each team may choose the side it wishes to represent.
- (b) This is a final brief and no supplemental briefs will be allowed.
- (c) Form:
 - (1) Briefs shall be in the form used in the Texas Supreme Court.
 - (2) Briefs shall conform with Texas Rule of Appellate Procedure 9.4, unless specifically provided otherwise by these rules.
 - (3) Both Petitioner and Respondent briefs must comply with the requirements of Texas Rule of Appellate Procedure 55.2, except that the items identified in subsection (a) and (e) of Texas Rule of Appellate Procedure 55.2 need not be included. The provisions of Texas Rule of Appellate Procedure 55.3 (pertaining to the Respondent's brief) do not apply.
 - (4) Briefs shall comply with the page limit restrictions of Texas Rule of Appellate Procedure 55.6.

§ 4.02. Criminal Year Problem - Briefs before the Texas Court of Criminal Appeals

- (a) In odd-numbered years, each team shall prepare and submit a brief for either the Appellant or the Appellee. Each team may choose the side it wishes to represent.
- (b) This is a final brief and no supplemental briefs will be allowed.
- (c) Form:
 - (1) Briefs shall be in the form used in the Texas Court of Criminal Appeals.
 - (2) Briefs shall conform with Texas Rule of Appellate Procedure 9.4, unless specifically provided otherwise by these rules.
 - (3) Both Appellant and Appellee briefs must comply with the requirements of Texas Rule of Appellate Procedure 38.1, except that subsection (a) need not be included. The provisions of Texas Rule of Appellate Procedure 38.2 (pertaining to the Appellee's brief) do not apply.
 - (4) Briefs shall comply with the page limit restrictions of Texas Rule of Appellate Procedure 38.4.

§ 4.03. Style.

The State Moot Court Committee recommends that teams rely on the most recent edition of the Texas Law Review's Manual on Style.

§ 4.04. Printing.

- (a) Briefs, including brief covers, shall be prepared by typewriter or word processor, but may not be prepared by the standard typographical printing process that is required for briefs filed in the United States Supreme Court.
- (b) The brief may be duplicated in any accepted manner and shall be bound. The contents of the brief shall be on white paper. The brief cover for the Petitioner (Appellant) should be blue, and the brief cover for the Respondent (Appellee) should be red.

§ 4.05. Distribution.

- (a) The committee will set a deadline for filing the briefs.
- (b) Each team shall mail the original and four copies of its brief to the Committee and one copy of its brief to each of the other teams. The copy to the teams may be emailed to each team contact. If the brief is being delivered by email to the other teams, the emailing team must obtain confirmation of receipt of the brief by the other teams.

§ 4.06. Brief Identification.

- (a) Original Brief - The name of the law school of the team, the team number and the names of the team's members shall be printed in the lower right hand corner of the cover of the original brief.
- (b) Copies - The team's number shall be printed in the lower right hand corner of the cover of the copies. No other identification of the team or team members shall appear on the cover.

- (c) Briefs shall not be signed, and no matter serving to identify a team or its members shall appear within the brief itself.

§ 4.07. Penalties.

- (a) A violation of any of the briefing rules will result in either a ranking penalty or disqualification from the competition.
- (b) The following specific penalties shall be strictly enforced:
 - (1) Loss of one brief ranking position per brief judge for each 24-hour period, or part thereof, the brief is filed late with the State Moot Court Committee or served on another team (this penalty is cumulative);
 - (2) Loss of one brief ranking position per brief judge for each page, or part thereof, in excess of the limit;
 - (3) Loss of three brief ranking positions per brief judge for placement of the school or team members' names inside the brief; and
 - (4) Loss of one brief ranking position per brief judge for failing to comply with § 4.06 (a) and (b).
- (c) Assessment of other brief ranking penalties will be determined by the State Moot Court Committee.

§ 4.08. Protests.

- (a) A protest against another school's brief must be mailed on or before the fifth day after the date the brief was filed. The protest must be specific about the complaint being lodged.
- (b) The team on which the protest is lodged may respond. Any such response must be mailed on or before the fifth day after the date the protest was mailed.
- (c) All teams will be notified of the State Moot Court Committee's action before the commencement of the competition.

§ 4.09. Judging.

- (a) The State Moot Court Committee will select a panel of three attorneys to judge the briefs. Knowledge of the law and persuasiveness will be the primary standards in grading, but form, style, and appearance will also be considered.
- (b) The State Moot Court Committee will provide the panel with brief grading instructions and a brief ballot with a maximum of 100 ballot points. Grading will be anonymous with each brief identified only by a team number.
- (c) Each judge will rank the briefs from best (number one) to worst (number nine or the total number of participating teams, if different). These three numbers will serve as brief rankings after any applicable ranking penalties have been deducted. There shall be no ties between briefs before penalties are imposed.

Chapter 5. Oral Arguments

§ 5.01. Participants.

No more than two team members shall participate in each round of oral argument. A team may vary which members shall argue from round to round.

§ 5.02. Judges.

The State Moot Court Committee will select attorneys to serve as oral argument judges. Judges will not be furnished copies of the teams' briefs before judging their respective rounds. Instead, the State Moot Court Committee will prepare a bench brief for the judges' use.

§ 5.03. Time.

- (a) Oral argument will be limited to a total of thirty minutes per team. No team member may speak for more than seventeen minutes of the allotted thirty minutes, including rebuttal. The Petitioner (Appellant) may reserve up to a maximum of five minutes for rebuttal.
- (b) The judges may, in their sole discretion, extend any speaker's time.

§ 5.04. Decisions.

- (a) All preliminary rounds will have three judges. The semifinal rounds will have five judges. The final round will have a panel of five, seven, or nine judges.
- (b) A team may receive a maximum of twelve points per round: nine possible points for oral argument and three possible points for the brief.
 - (1) A team will receive one brief point every time a brief judge ranked its brief higher than the opposing team's brief.
 - (2) A team will receive three points for each oral argument ballot cast in its favor by a three-judge panel; 1.8 points for each ballot on a five-judge panel; 1.286 points for each ballot on a seven-judge panel; and one point for each ballot on a nine-judge panel.
- (c) The winning team on a judge's ballot will be the team with the highest total number of speaker points.
- (d) The winner of the round will be the team with the highest number of oral argument and brief points for that round. In the event of a tie, the winner of the oral argument ballots will be declared the winner of the round.
- (e) The Chief Justice (Presiding Judge) of each round will announce the winner after the points have been tabulated by the State Moot Court Committee.

§ 5.05. Preliminary Rounds.

- (a) The preliminary competition will consist of a round robin in which each team will meet every other team once.
- (b) The State Moot Court Committee will distribute the bracket to the teams no later than the coaches meeting.

- (c) A forfeiture will be counted as a win for the non-forfeiting team. The winning team will receive for that round the average of its total accumulated points in the preliminary rounds, including speaker points. The losing team will receive the average of its total accumulated points in the preliminary rounds, including speaker points, less six points from the average of the oral argument and brief point total as a penalty.

§ 5.06. Elimination Rounds.

- (a) Four teams will be selected on the basis of their performance in the preliminary competition to advance to the elimination rounds.
- (b) The higher seeded teams in the semifinal and final rounds will have the choice of which side they prefer to argue in the elimination rounds and shall indicate their choice in writing.
- (c) The four teams with the highest total number of accumulated points as determined in accordance with section 5.04(b) will advance to the semifinal rounds.
- (d) In the event of a tie for any of the four positions in the semifinal rounds, the basis for selection in order of priority will be the teams with:
 - (1) The best win-loss record;
 - (2) The highest total number of accumulated speaker points;
 - (3) The highest total number of brief points as determined in accordance with section 5.04(b)(1); and
 - (4) The lowest total number of speaker rankings. A speaker ranking is the position (first through fourth) each speaker placed among all four speakers on a judge's ballot.
- (e) Pairings in the semifinals will be power protected. The team with the best record as determined in accordance with subsections (c) and (d) shall meet the team with the fourth best record, and the team with the second best record shall meet the team with the third best record.
- (f) The winning teams of the semifinal rounds will advance to the final round, and the winning team of the final round will be declared the winner of the competition.

§ 5.07. Bailiffs.

- (a) Each team shall furnish a bailiff for each round.
- (b) Bailiffs will be briefed by the State Moot Court Committee and furnished with written instructions.
- (c) The bailiffs shall:
 - (1) Distribute ballots to the judges before the round;
 - (2) Serve as timekeepers for the round and hold up cards indicating the amount of time remaining in the argument;
 - (3) Pick up the ballots after the judges have voted and jointly review the judges' mathematical calculations to ensure the accuracy of the calculations, except for the semi-final and final rounds;

- (4) Take the ballots to the State Moot Court Committee for tabulation; and
- (5) After tabulation, carry the decision back to the Chief Justice (Presiding Judge) of the round.
- (d) The bailiff for the Petitioner (Appellant) shall serve as timekeeper when the Petitioner (Appellant) is speaking. The bailiff for the Respondent (Appellee) shall serve as timekeeper when the Respondent (Appellee) is speaking.
- (e) After the ballots are reviewed by the bailiffs and delivered to the State Moot Court Committee, the State Moot Court Committee will not consider any protests regarding mathematical errors in a judge's ballot.
- (f) If a team would suffer an unreasonable financial burden by complying with this section, the team may request, no later than the deadline for filing the briefs, that the State Moot Court Committee furnish a bailiff for the requesting team. The State Moot Court Committee has the discretion to grant or deny any such request.
- (g) A bailiff furnished by the State Moot Court Committee in accordance with subsection (f) will be treated as if the bailiff had been furnished by the team.

§ 5.08. Anonymity of Teams.

- (a) The State Moot Court Committee will not disclose the school affiliation of teams to the judges until after the oral ballots have been returned to the Committee.
- (b) Communications by teams.
 - (1) A team shall not communicate with the judges before the judges enter the competition room.
 - (2) A team and its bailiff are specifically prohibited from identifying the school the team represents.
- (c) All public postings of team pairings will use team numbers, not school names.

Chapter 6. Awards

§ 6.01 General.

The State Moot Court Committee will present the following awards:

- (a) First Place Team;
- (b) Second Place Team;
- (c) Best Advocate;
- (d) Second Best Advocate;
- (e) Third Best Advocate;
- (f) Best Brief;
- (g) Second Best Brief; and
- (h) Third Best Brief.

§ 6.02. First Place.

The first place award will go to the law school whose team wins the final round. In addition, each team member will receive an individual award.

§ 6.03. Second Place.

The second place award will go to the law school whose team loses the final round.

§ 6.04. Best Advocate.

- (a) The best advocate award will go to the speaker who receives the highest average number of speaker points in the preliminary rounds (the total number of speaker points divided by the number of rounds the speaker argued).
- (b) In the event of a tie for best advocate, the speaker with the lowest average of speaker rankings in the preliminary rounds (the total number of speaker rankings divided by the number of rounds the speaker argued) will receive the best advocate award.
- (c) If there is still a tie for best advocate after applying subsection (b), all speakers who are tied will receive the best advocate award.
- (d) A speaker must argue in at least three rounds to be eligible for the best advocate award.
- (e) The second and third best advocate awards will be determined by the same method for determining best advocate.

§ 6.05. Best Brief.

- (a) The best brief award will go to the law school whose team's brief has the lowest total brief rankings after any penalties are assessed.
- (b) In the event of a tie for best brief, the award will go to all the law schools whose teams are tied.
- (c) The second and third best brief awards will be determined by the same method for determining best brief.

Chapter 7. Interpretation and Amendment

§ 7.01. Interpretation of Rules and Problem.

All requests for interpretation of the rules or problem must be mailed no later than six weeks before the deadline for filing the briefs. All requests shall be mailed to the designated Chairperson.

§ 7.02. Amendment of Rules.

The rules may be amended by a majority vote of the State Moot Court Committee.

§ 7.03. Timing and Notice of Interpretations and Amendments.

All interpretations of the rules or problem or amendments to the rules will be sent to the teams no later than four weeks before the deadline for filing the briefs.