

**JUDSON A. FALKNOR APPELLATE ADVOCACY COMPETITION**  
**2009 COMPETITION RULES**  
**February 7, 2009 and February 9-12, 2009**

**I. GENERAL RULES**

1. **COMPETITION COMMITTEE** - The Moot Court Honor Board (MCHB) selects a Competition Committee to run each competition. The Competition Committee may be reached via email ([falknor2009@gmail.com](mailto:falknor2009@gmail.com)). The members of the 2009 Falknor Competition Committee are as follows:

Megan Larrondo, Competition Chair/Problem Manager ([larrondo@u.washington.edu](mailto:larrondo@u.washington.edu))  
Bradley Bowen, Logistics Chair ([bowenbd@u.washington.edu](mailto:bowenbd@u.washington.edu))  
Allison Brown, Judges Manager ([abrown47@u.washington.edu](mailto:abrown47@u.washington.edu))  
Keaton Hubbert, Judges Manager ([keatonh@u.washington.edu](mailto:keatonh@u.washington.edu))  
Paul Woods, Judges Manager ([woodsp@u.washington.edu](mailto:woodsp@u.washington.edu))

2. **QUESTIONS** – Questions regarding the competition should be directed to the Competition Chair, Megan Larrondo ([larrondo@u.washington.edu](mailto:larrondo@u.washington.edu)) or to the Competition Committee ([falknor2009@gmail.com](mailto:falknor2009@gmail.com)). **Do not rely on answers from other MCHB members or competitors.**
3. **COMPETITOR MEETINGS** – A representative from each team must attend all competitor meetings, or the team must let the Competition Chair know in advance that both members cannot attend.
4. **UPDATE NOTICES** – We will post notices on the door of the MCHB office on the first floor. Teams are responsible for checking for announcements regularly. We will try to send all notices to you via email, but you are accountable for notices posted on the MCHB office door.
5. **ON WEBSITE** – The competition problem and rules, and the MCHB Bylaws will be posted on the MCHB website throughout the competition. The Bylaws describe the structure and operating policies of the MCHB.
6. **IMPORTANT DATES**

Problem Distributed: December 30, 2008  
Registration Begins: January 5, 2009  
Brief Side of Argument Assignments Announced: January 6, 2009  
(If you register after January 6<sup>th</sup>, you will be assigned a brief side at a later date).  
Registration Ends: January 9, 2009 (5:00pm)  
Brief Due Date: January 23, 2009 (5:00 pm)  
Team Pairings Distributed: In Process -- TBD  
Oral Competition: February 7, 2009, February 9-12, 2009

7. **ELIGIBILITY** – 2Ls, 3Ls, and L.L.M. students are invited to compete in the Falknor Competition. 1L students are not eligible to compete.
8. **COMPETITION FEE** – The competition fee is \$50.00 per participating team. Make your check payable to the “MOOT COURT HONOR BOARD.” We cannot accept cash. Deposit your fee in the Moot Court mailbox in the first floor mailroom.
9. **HONOR CODE** – Each competitor shall follow the MCHB Competition Honor Code, set forth at Rule 308 in the MCHB Bylaws, during preparation of the brief and during preparation rounds and participation in Oral rounds. During the brief writing period, *you may discuss the problem with your partner only*. You may not discuss the problem with other competitors, nor seek or receive any assistance from another student, professor, or attorney, except the assistance normally provided to attorneys by reference librarians and court personnel. Since another school’s competition committee wrote this year’s problem in large part, you may not reference materials associated with any other moot court competition. After the brief due date,

competitors may discuss the problem with other students and receive critiques from each other, professors, and attorneys in practice rounds if they wish.

10. **REQUIREMENTS FOR ACADEMIC CREDIT** – Competitors may receive TWO (2) credits for participation in the Falknor Competition, by registering for two credits of Law 600. Credit will be awarded only if a competitor (1) submits a brief that complies with Competition rules and that meets minimum standards for academic credit, based on grading provided by a practicing attorney or law clerk; (2) participates in every round of the Falknor Competition for which he/she is eligible; and (3) complies with the Falknor Competition rules, the MCHB Bylaws, and the University of Washington School of Law Honor Code.
11. **WITHDRAWAL FROM THE COMPETITION** – Any participant who drops out of the competition without good cause after January 16, 2009 will be barred from competing in any MCHB competition for the rest of the 2008-2009 academic year and up to one full year from the date of the competition, pursuant to Rule 310 (d) of the MCHB bylaws. Good cause shall be determined by the MCHB Executive Board.

## **II. FALKNOR BRIEF**

1. **SIDE OF ARGUMENT** – The Falknor Competition Committee randomly appoints each team to serve as counsel for either Petitioners or Respondent for purposes of preparing the brief. Teams must prepare the brief for their assigned side only.
2. **DUE DATE** – Each team must submit **five (5)** copies to the MCHB office in Room 129 by 5:00 pm on January 23, 2009. Late briefs will be penalized. **Late briefs will be penalized ten points per hour up to 7:00 pm, after which briefs will not be accepted. Late briefs turned in after the 5:00 pm deadline will receive pro-rated penalties (for example, a brief that is turned in at 5:06 pm will receive a one-point penalty).** In addition to the paper copies, each time must submit an electronic copy of the brief to the competition chair by email on Friday, January 23, 2009 ([larrondo@u.washington.edu](mailto:larrondo@u.washington.edu)).
3. **OUTSIDE ASSISTANCE** – *During the brief writing period, you may discuss the problem with your partner only.* You may not seek or receive any assistance from another student or an attorney, except the assistance normally provided to attorneys by reference librarians and court personnel.
4. **BRIEF FORMAT**
  - A. **Length** – Your brief may not exceed twenty-five (25) full pages in length. The MCHB will remove any pages beyond the twenty-five (25) pages other than cover pages and appendices. This page limit is *exclusive* of the cover page, any appendices, and the items described in E.5.a-c, below.
  - B. **Font and Size** – All briefs **MUST** use the font Times New Roman with a font size of 12 or greater for all typed material. Briefs using other fonts or smaller font sizes will not be accepted. Formatting should be appropriate for a submission to the Supreme Court of the United States.
  - C. **Spacing, Paper Size, Margins, and Pagination** – All printed material in your brief must be double-spaced, except for quoted material, point headings, footnotes, appendices, and tables. You must use 8.5” x 11” paper. All typed matter on one page, other than page numbers, may not exceed 6.5” x 9”. Pages must be numbered at the bottom center. Do not number the cover page.
  - D. **Cover Page** – Your brief must include a cover sheet in pleading form. If you are writing for the Petitioner, your cover page must be RED; if you are writing for the Respondent, your cover pages must be light BLUE. Each document shall bear on its cover, in the order indicated, from the top of the page:
    - i. The docket number of the case or, if there is none, a space for one;
    - ii. The name of the Court;

- iii. The caption of the case;
  - iv. The nature of the proceeding and name of the court from which the action is brought (e.g., “On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit”);
  - v. The title of the document (e.g., “Brief for Petitioner”);
  - vi. The **number** (not names) of the team submitting the brief.
- E. **Components** – In addition to the main argument, every brief shall contain the following sections:
- i. Questions presented;
  - ii. A table of contents
  - iii. A table of cited authorities (i.e. cases alphabetically arranged, constitutional provisions, statutes, treatises, and other materials) with references to the pages in the document where such authorities are cited;
  - iv. A statement of facts; and
  - v. A summary of argument.
- F. **Team Numbers** – We will assign a number to each team to identify the team throughout the competition. Your cover page must include the team number. **DO NOT put the names of team members on your brief.**
- G. **Binding** – Staple your brief once in the upper left corner. Do not bind the entire edge or use paper with punched holes.
- H. **Citations** – All citations shall comply with the form prescribed in The Bluebook, A Uniform System of Citation (18th ed. 2006).

## 5. BRIEF SCORING

- I. **The Score** – The brief score shall not exceed one hundred points or fall below zero points. The Committee shall adjust the brief score by deducting points, if necessary, for technical violations and lateness from the substance and style score. The Committee reserves the right to normalize brief scores.
- J. **Substance and Style Score** – Your brief will be graded for substance and style on a 100-point scale.
- K. **Technical Violations** – Deductions for improper formatting are reflected in the final brief score in a number of ways. First, the individual that grades your brief for substance and style will take account of the propriety of the formation of your brief when judging its merits. Second, certain technical violations, such as submitting a brief with an improper font or font size, will result in the rejection of the brief. Third, other technical violations, like exceeding the page limitations, will be remedied by removing the excess pages from the brief. On top of these potential penalties for improper or inappropriate formatting, **each** of the following technical errors will result in a mandatory 2-point deduction:
- i. Omitting page numbers;
  - ii. Omitting a cover page;
  - iii. Attaching a cover page of improper color;
  - iv. Failing to include your team number;
  - v. Including name(s) of team member(s) in brief or on the cover page;
  - vi. Using improper binding.
- L. **Late Penalty** – We will deduct 10 pro-rated points from the substance and style score of any brief received between 5:01 pm and 7:00 pm on January 23, 2008. Briefs will not be accepted after 7:00 pm on January 23, 2008.

- M. **Honesty** – It remains within the discretion of the Executive Board of the MCHB to impose any penalty, including deduction of points, loss of a round, or withholding recommendation for academic credit for the competition, for violations involving fraud or academic misconduct. (This includes, but is not limited to, use of material associated with another competition in preparation, brief writing, and/or oral rounds.)
- N. **Minimum Brief Standard:** All judges scoring the briefs will have the option of deciding a brief is below the minimum standards suitable for submission to a court. Any team whose brief is determined by a judge to be below the minimum standard will be required to edit and resubmit their brief to a UWLS faculty member for approval and academic credit.

## 6. USE OF BRIEF SCORE

- A. **Ballot Score** – To determine advancement to and elimination from the later rounds of the competition, the scores of each round will be computed as follows:
  - Preliminary Rounds 40% 60%
  - Quarterfinal Rounds 30% 70%
  - Semifinal Rounds 20% 80%
  - Final Rounds 0% 100%
- B. **Brief Oral Argument**
- C. **Best Brief** – The teams with the first- and second-highest brief scores will be acknowledged at the awards ceremony.
- D. **Tie-Breaker** – We may use your brief score as a means to break ties.

## III. ORAL COMPETITION

### 1. FORMAT OF THE COMPETITION

- A. **Saturday, February 7, 2009 Schedule** - Preliminary rounds are (tentatively) scheduled for 10:00am and 11:30pm on Saturday, February 7, 2009.
- B. **February 9-12, 2009 Schedule** – Preliminary rounds will be held on Monday, February 9, 2009 at 6:00pm and 7:30pm. The quarter final rounds will be held at 6:30pm on Tuesday, February 10, 2009. The semi-final rounds will be held at 6:30pm on Wednesday, February 11, 2009. The finals will be held Thursday, February 12, 2009 at 6:30pm. *Round times may be subject to change.*
- C. **Bailiff and Competitor Check-In** – Bailiffs and competitors must check-in together thirty (30) minutes before the start time of oral rounds.
- D. **Competitor Participation** – All teams will compete in two preliminary rounds. Quarterfinal, semifinal, and final rounds are conducted during the remainder of the week.
- E. **Structure & Time Limits** – Each team may use up to thirty (30) minutes for oral argument. Teams may split their time in any manner they want; however, both team members must present argument to the court for at least 12 minutes. Petitioners may reserve up to five (5) minutes of their thirty (30) minutes for rebuttal; proper notice should be given to the bailiff and court. The Committee reserves the right to change time limits for individual teams to accommodate competitors with special needs.
- F. **Bailiffs** – Petitioners must provide a bailiff to keep time. We will provide your bailiff with instructions, a stopwatch, and time cards. If, for any reason, you fail to provide a bailiff, we may deduct one point per competitor from your oral score from each judge.

- G. **Posted Results** – A member of the Competition Committee will post the results of each round reasonably soon after tabulation is complete and winners have been declared. After the results of the round have been posted, we will place a duplicate copy of each ballot and a copy of the tabulation sheet into the student mailbox of one competitor of each team.

## 2. **SIDE OF ARGUMENT-**

- A. **General Rule** – We will determine your argument side randomly. The side on which you write your brief will not determine your argument side in any round. Teams may not agree to switch sides in any round.
- B. **Qualifying Rounds** – Sides of argument for preliminary rounds will be determined randomly. During the second preliminary round, all teams will argue against teams other than their first round opponent, and, to the extent possible, teams will argue for the side opposite of the side they argued during the first round.
- C. **Elimination Rounds** – We will determine your argument side for quarterfinals, semifinals, and the championship round randomly. However, if you are paired against an opponent that you have faced in a qualifying round, you will represent the other side in the elimination round.

## 3. **SCORING AND ADVANCEMENT**

- A. **Determining the Winning Team for Each Round.** The team that wins more ballots than the other wins the round. A team wins a ballot when its adjusted ballot score exceeds the opponent's ballot score. In the preliminary rounds, the adjusted ballot score is the sum of .6 multiplied by the teams total ballot score for each judge (which is out of a possible 100 points) and .4 multiplied by the brief score (which is out of a possible 100 points). In the quarterfinal rounds, the adjusted ballot score is the sum of .7 multiplied by the teams total ballot score for each judge (which is out of a possible 100 points) and .3 multiplied by the brief score (which is out of a possible 100 points). In the semifinal round, the adjusted ballot score is the sum of .8 multiplied by the teams total ballot score for each judge (which is out of a possible 100 points) and .2 multiplied by the brief score (which is out of a possible 100 points). In the final round, the adjusted ballot score is identical to the ballot score as the brief score carries no weight. In the event that neither team wins more ballots than the other, the Committee shall break the tie following the steps below in order.
- (a) **Average Ballot Score.** If the Committee determines that neither team has won more ballots than the other, each tabulator shall independently compute the average ballot score of all the ballots in the round for each team. The average ballot score is the sum of a team's ballot scores from all the ballots in the tied round divided by the number of ballots in that round, rounded to the nearest hundredth. The team with the higher average ballot score shall prevail.
- (b) **Average Oral Score.** If the Committee finds that the two teams have the same average ballot score when rounded to the nearest hundredth, each tabulator shall independently compute the average oral scores for each competitor in the round. The average oral score is the sum of a competitor's oral scores from all the ballots in the tied round divided by the number of ballots in that round, rounded to the nearest hundredth. The round winner shall be the team with the individual competitor who has the highest average oral score in that round.
- (c) **Brief Score.** If the Committee determines that there is still a tie, the Committee shall declare the round winner to be the team with the higher brief score.
- (d) **Absolute Oral Score.** If the Committee determines that there is still a tie, the Committee shall declare the round winner to be the team with the individual competitor who received the highest oral score of all the judges' ballots in that round.

(e) **Competition Average Ballot Score.** If there is still a tie, the Committee shall determine the competition average ballot scores for both teams. The competition average ballot score is the sum of each team's average ballot scores (rounded to the nearest hundredth) from all rounds divided by the number of rounds in which that team has competed, including the tied round but disregarding byes. Round to the nearest hundredth. The round winner shall be the team with the higher competition average ballot score.

- B. Note: These scoring rules have been recently updated by the Moot Court Honor Board Executive Board and supersede prior inconsistent rules regarding scoring.
- C. **Determining Advancement to Elimination Rounds and Ranking for Power Protection –** Before the quarterfinal round, the Committee shall rank the teams according to the following criteria:
- i. **Winning Record.** Rank the teams by preference of the greater number of rounds won. Byes count as won rounds.
  - ii. **Competition Average Ballot Score.** Among teams with the same number of rounds won, rank by preference of the higher competition average ballot score. The competition average ballot score is the sum of a team's average ballot scores (rounded to the nearest hundredth) from all rounds divided by the number of rounds in which that team has competed.
  - iii. **Competition Average Oral Score.** Among teams with the same competition average ballot score, when rounded to the nearest hundredth, rank by preference of the team with the individual competitor who has the higher competition average oral score. The competition average oral score is the sum of a competitor's average oral scores (rounded to the nearest hundredth) from all rounds divided by the number of rounds in which that competitor has competed.
  - iv. **Brief Score.** Among teams with the same competition average oral score when rounded to the nearest hundredth, rank by preference of the team with the higher brief score. The Committee shall select the top eight ranked teams for advancement to the quarterfinal rounds. The four semifinal winners will advance to semifinal rounds. The winners of the semifinal rounds will advance to the final round. There are no consolation rounds. Before the quarterfinal round, the Committee shall match the highest-ranked team against the team that is ranked lowest among the teams advancing, and the second highest-ranked team against the team that is ranked second lowest among the teams advancing, and so forth, until all teams are matched. In addition, the Committee reserves the right to exclude quarterfinal and/or semifinal rounds should the competition have very few teams participating.

#### **IV. COMPLAINT PROCEDURES**

##### **1. COMPETITOR MISCONDUCT**

- A. **Authority** – The Committee, the MCHB Executive Board and a MCHB Faculty Advisor may discipline competitors for violating the Competition Rules, MCHB Bylaws, or the Honor Code.
- B. **Procedure** – Complaint procedures are described in the MCHB Bylaws.
- C. **Disciplinary Action** – Based on the rule violations, competitors may be warned, may lose points in a round, or may be disqualified. Violators may also be denied awards, entry in future competitions, academic credit, or membership on the MCHB. Discipline of competitors will fit the severity of the violation and will be used only as a last resort.

2. **TABULATION INACCURACIES** – Any competitor may challenge the accuracy of a ballot tabulation by emailing Megan Larrondo ([larrondo@u.washington.edu](mailto:larrondo@u.washington.edu)) **no later than** 10:00 am on the day following the challenged round. Challenges received after 10:00 am or in any other form will not be considered. If the Competition Committee finds a miscalculation or other inaccuracy, the Committee shall replace the postings of results with a corrected posting no later than three hours before the next scheduled round. If the Committee has posted pairings for the next round based on inaccurate scores, the Committee shall change the pairings for the next scheduled round no later than three hours before the next scheduled round. The Committee shall promptly post a written response to the competitor challenging the tabulation.

## **V. RECOGNITION**

1. **COMPETITION AWARDS** – We will present at least the following awards at a ceremony after the final round:

- First Place Team
- Finalist Team
- First, Second, and Third Place Speaker in the Overall Competition
- First and Second Place Brief

2. **NATIONAL TEAM SELECTION** – The MCHB may advance the competitors with the highest competition scores to a national or regional competition.

Withdrawal of Competitors from Regional and National Competitions: Any team or team member that withdraws, without good cause, more than seven (7) days from the date of acceptance shall be disqualified from further participation in MCHB competitions for one year. Good cause shall be determined at the discretion of the MCHB Executive Board.

3. **INVITATIONS TO JOIN THE MOOT COURT HONOR BOARD** – Two competitors will be invited to join the MCHB. You must reach the quarterfinals to be considered for MCHB membership. The selection criteria are in the MCHB Bylaws at Rule 101.
4. **ORDER OF THE BARRISTERS** – Participation in the Falknor Competition is a category for selection to Order of the Barristers. You may apply for Order of the Barristers in the last quarter of your third year. A faculty committee selects up to ten applicants for membership in the Order based in part on an outstanding participation in moot court events.