



**MOOT COURT  
HONORS BOARD**

at UC Davis School of Law

2021-2022 Moot Court Program

# Rules of Court

Last amended March 12, 2021.

## **I. THE MOOT COURT PROGRAM – STATEMENT OF PURPOSE**

- A. The Moot Court Program strives to develop excellence in appellate advocacy and legal research within an atmosphere of fair and honest competition.

## **II. RULES OVERVIEW**

- A. Scope. The Rules of Court (the “Rules”) govern all facets of the Moot Court Program including its participants in the class (the “Advocates”), participants in outside competitions (the “Competitors”), and the Moot Court Board (the “Board”).
- B. Administration and Interpretation. The Board must administer the Moot Court Program in accordance with the Rules. Where the Rules do not expressly provide for a contingency, the Board will have broad discretionary powers.
1. Publication. The Rules must be on reserve in the library during the academic year. At least one copy of the Rules must be readily accessible in the Moot Court office and/or in the Moot Court Honors Board shared Google Drive.
  2. Amendment. The Board may only amend the Rules by a two-thirds majority vote. Board members should receive three days’ notice prior to such a vote. Where time constraints do not allow for such notice, the Board will have broad discretion as to the appropriate notice period, but in no circumstances shall the notice period be less than 24 hours, and in the case of removal of a Board member, the notice period must be at least 72 hours.

## **III. THE MOOT COURT HONORS BOARD – LAW 414**

- A. Purpose. The Board administers the Moot Court Program. Whenever possible the Board must further the purpose of the program. The Rules grant the Board broad discretion whenever a situation arises that is not addressed by the Rules.
- B. Membership
1. The New Board for the following school year shall be selected by the outgoing Board.
  2. New Board Members – Moot Court as Pre-Requisite. New Board members must have completed both semesters of the Moot Court Competition and both semesters of Appellate Advocacy. The students receiving the top nine overall scores in the class will automatically be invited to join the new Board. Additional members are appointed to the new Board via a two-thirds majority vote of the outgoing Board. The Board has discretion to make special considerations as necessary to further the goals of the program.
  3. New Board Members – Selection Criteria. The outgoing Board shall have discretion in the criteria used for selection of new Board members. High

consideration should be given to scores in the Appellate Advocacy class and the level of volunteer participation in moot court competitions and activities.

Because the requirements of the Board take place on campus, it is not advisable that those planning to participate in full-time externships, study abroad, or distance learning programs (such as UCDC) be offered membership to the Board.

#### 4. Elections

- a. The election of chaired positions will take place at a time and place decided upon by the outgoing Board Chair or their designee. Candidates for chaired positions will be given an opportunity to make their case and answer questions. The outgoing members are permitted to be present at this meeting, ask questions, and may exercise one vote per person.
- b. The incoming Board members shall exercise one vote per person in voting for candidates running for a chaired position.
- c. An incoming Board member becomes a candidate for a chaired position by indicating to the outgoing Board Chair or the Chair's designee before the election that they intend to run for a chaired position. The outgoing Board Chair must make available to the Incoming Board before the election a list of everyone running for a chaired position.
- d. To win election to a chaired position, a candidate must receive a majority of the votes cast. Should no candidate receive a majority, the candidate receiving the fewest number of votes is removed from the pool of candidates and the incoming Board votes again. This process continues until one candidate receives a majority of the votes cast.
- e. Voting is conducted by secret ballot. It is tabulated by the outgoing Chair or their designee. However, if there is only one candidate running for a position, without objection the Chair may put the election of that position to a voice vote.
- f. A Board member is only eligible to hold one chaired position. Should a candidate be elected to a chaired position and also a candidate for any other chaired position, their candidacy will then be removed because of ineligibility.
- g. The outgoing Board Chair or the Chair's designee shall preside over Elections. They shall set time limits for candidate presentations, procedures for asking questions of candidates, and other rules as the Chairs or the Chair's designee determines necessary. The outgoing Board Chair or the Chair's designee shall promulgate these rules to the incoming and outgoing Board at least 24 hours before elections take place.
- h. The transition from outgoing Board to incoming Board will be effective upon conclusion of the Moot Court spring semester course. At that time, the incoming Board will be the Moot Court Board and have all the powers and responsibilities described in these Rules. Prior to that time, the outgoing Board remains the Moot Court Board. Access to the moot court office will not be granted to the incoming Board until the conclusion of the July bar exam.
- i. Each chaired position of the incoming Board must arrange an informational

meeting with the respective chaired position of the outgoing Board by the last day of the Moot Court spring semester course.

5. Additional Board Members – Moot Court as Pre-Requisite. Additional Board members may be added by the new Board after the beginning of the new Board's term. Any additional new Board members must have completed both semesters of the Moot Court Competition, both semesters of Appellate Advocacy, and be accepted by a two-thirds majority vote of the new Board. The Board has discretion to make special considerations as necessary to further the goals of the program.
6. Continuing Board Members – Maintaining Membership
  - a. Registration. With the exception of the Faculty Advisor(s), each Board member must be a registered student at King Hall.
  - b. Active Participation. Board members must actively participate in the program to maintain their member status. Except for good cause, all Board members must be available to actively participate as a group mentor for Appellate Advocacy I in-class oral arguments. Except for good cause, all Board members must attend and actively participate in the execution of the 1L, Asylum, and Neumiller competitions. Role and responsibilities will be defined at the discretion of the 1L Chairs, Asylum Chairs, and Neumiller Chairs. The Chair determines the adequacy of participation. Inadequate participation may be grounds for terminating membership pursuant to subsection d, infra. A Board member removed based on this section may be ineligible for units at the discretion of the Faculty Advisor(s).
  - c. Size of the Board. The size of the Board shall be dependent on and commensurate with the size of the rising 2L class so as to provide adequate mentor groups. For the 2021-2022 Board, there will be TWENTY-NINE (29) Board members.
  - d. Termination. The Board may cancel an individual Board member's status by a three-fourths majority vote of the full Board, not including the Faculty Advisor. Grounds for cancellation include, but are not limited to, the following:
    - (i) failure to comply with the Rules;
    - (ii) failure to carry out the required Board duties responsibly; OR
    - (iii) per the Punitive Action Rule as outlined in Rule III.D.6.
7. Credit. All Board members contributing a minimum of SIXTY (60) hours per semester to the Moot Court Program will receive ONE (1) academic credit per semester.
8. Use of Moot Court Board Office. There shall be a physical office available for use by the Board, as determined by the Office of the Dean. All members of the Board shall enjoy access to and use of the Moot Court Board Office. However, in

recognition of a long-standing tradition, the outgoing members shall have access to and use of the office for the purpose of studying for, and until the time of, the summer Bar exam.

### C. Organization

1. Board Officers. The new Board elects the twenty-nine (29) new Chairs during the spring semester preceding the new Board's term of office. One week preceding the elections, sign-ups for candidates interested in running for office will be taken.
  - a. The Board Chair. There will be ONE (1) Board Chair per Board. The Board Chair is responsible for coordinating activities of the Moot Court Program and the Moot Court Board. The Board Chair's duties include, but are not limited to, the following:
    - (1) sitting ex officio on all committees, including, but not limited to the Asylum and Refugee Law Moot Court Competition, Neumiller Competition, and Outside Competitions committees;
    - (2) selecting and scheduling appropriate competition dates for the year;
    - (3) scheduling member work duties;
    - (4) editing Board publications;
    - (5) delegating tasks to other Board members when necessary;
    - (6) tallying and posting Advocates' scores; AND
    - (7) serving as the primary liaison among the Board, the administration, the competitors, and the Advocates.
  - b. The Vice Chair. There will be ONE (1) Vice Chair per Board. Any budget decisions fall under the purview of the Vice Chair. The Vice Chair's duties include, but are not limited to, the following:
    - (1) preparing and overseeing the budget, including communicating with Law School Accounting, keeping updated account spreadsheets, working with the Competitions Chairs to secure and maintain funding for outside competitions, working with the Asylum Chair to ensure proper funding for the Asylum tournament, and working with the Neumiller Chairs to fund the Neumiller Competition;
    - (2) overseeing travel plans for competitors, including booking flights and accommodations,
    - (3) acting as the Official Coordinator for the Intraschool Competition, including preparing daily competition packets for Board members on Duty, purchasing food for judges, assigning Office Manager duties, and delegating responsibilities and forming committees in order to carry out the Intraschool Competition;
    - (4) assumes role of Board Chair if the Board Chair is unavailable;
    - (5) updating the Rules; AND
    - (6) overseeing that supplies in the moot court office are stocked and that phone, printer, etc. are working.

- c. The Judge Recruitment Chairs. There will be TWO (2) Judge Recruitment Chairs per Board. The Judge Recruitment Chairs will be the final contacts the Board Chair and Vice Chair will turn to on judge recruitment issues. The duties of the Judge Recruitment Chairs include, but are not limited to, the following:
- (1) recruiting outside participants to act as Moot Court judges;
  - (2) recruiting volunteers to serve as time clerks for fall and spring competitions;
  - (3) maintaining and updating the judge recruitment database to reflect changes of address and the Board's recommendations for returning judges;
  - (4) assigning recruited judges to courtrooms for each competition evening and maintaining an updated schedule reflecting such assignments; AND
  - (5) printing copies of the bench brief for judges.
- d. The Outreach & Diversity Chair. There will be TWO (2) Outreach & Diversity Chairs per Board. The Outreach & Diversity Chairs will work with the Public Relations Chair and the Appellate Advocacy Professors on marketing, recruitment, and retention strategies. The Outreach & Diversity Chairs should focus their efforts both inward to King Hall students and outward to the greater community. The chairs may split these two goals between them or work simultaneously on them together. The duties of the Outreach & Diversity Chairs include, but are not limited to, the following:
- (1) organizing informational events (such as lunchtime events, lobby tabling, social media campaigns) for 1L's to promote the moot court program, including a presentation or training specifically for member of the affinity groups;
  - (2) organizing and implementing outreach campaigns to groups outside King Hall, which may include other law schools, UC Davis main campus organizations, community colleges, or local K-12 schools;
  - (3) promoting retention of students in the appellate advocacy program by working with Professors and other Chairs to develop a pipeline from students' 1L year to election onto the Moot Court Honors Board;
  - (4) work with the Judge Recruitment Chairs to contact different local bar associations and recruit more diverse judges for interschool competitions;
  - (5) reach out via email and/or meeting or event attendance to each affinity group during Spring semesters to promote 1L recruitment efforts and discuss methods for inclusion;
  - (6) support students from King Hall affinity groups competing in external moot court competitions put on by affinity bar associations by offering coaching and providing resources where the competition rules permit. The Outreach and Diversity Chairs should reach out to King Hall affinity groups first to assess what support (if any) the affinity group would like from the Moot Court Honors Board in

sending student representatives to the competition; AND  
(7) may undertake additional outreach efforts to promote the values of diversity, equity, and inclusion.

- e. The Fall Problem Writing Chairs. There will be TWO (2) Fall Problem Writing Chairs per Board. The Fall Problem Writing Chairs are responsible for, but not limited to, the following:
- (1) write one problem in the Fall semester;
  - (2) prepare and edit the Fall Problem packet with program rules, problem, and case bank;
  - (3) write the bench brief for the Fall problem;
  - (4) both Fall Problem Writing Chairs are jointly responsible for overseeing the preparation of the Fall problem including program packet with program rules, problem, and case bank;
  - (5) both Fall Problem Writing Chairs are jointly responsible for overseeing the preparation of the Fall problem bench brief with table of contents to be distributed to judges; AND
  - (6) write one problem and bench brief for the external competition tryouts and assist the External Competition Chairs in the tryout process.
- f. The Spring Problem Writing Chairs. There will be TWO (2) Spring Problem Writing Chairs per Board. The Problem Writing Chairs are responsible for, but not limited to, the following:
- (1) write one problem in the Spring semester;
  - (2) prepare and edit the Spring packet with program rules, problem, and case bank;
  - (3) write the bench brief and dissent for the Spring problem;
  - (4) both Spring Problem Writing Chairs are jointly responsible for overseeing the preparation of the Spring problem including program packet with program rules, problem, and case bank; AND
  - (5) both Spring Problem Writing Chairs are jointly responsible for overseeing the preparation of the Spring problem bench brief with a table of contents to be distributed to judges.
- g. The External Competitions Chairs: There will be TWO (2) External Competitions Chairs per Board. The duties of the External Competitions Chairs include, but are not limited to, the following:
- (1) administration of all Interscholastic Competition Teams;
  - (2) setting criteria to obtain Moot Court Board support for students wishing to participate in outside competitions;
  - (3) overseeing the Competitions Committee;
  - (4) publicize the competitions by, for example: making information available to students and speaking to the Appellate Advocacy class;
  - (5) producing "Competition Packets" that include all necessary forms

- and information for competition teams; AND
- (6) establishing a budget for each competition in coordination with the Vice Chair, which includes soliciting the Dean's Office for additional funds.

h. The Internal Competition Chairs. There will be THREE (3) Internal Competition Chairs per Board. The duties of the Internal Competition Chairs include, but are not limited to, the following:

- (1) administration of the Fall and Spring intraschool competitions for the Appellate Advocacy classes;
- (2) ensuring advocates know the Rules of Court pertaining to the Fall and Spring intraschool competitions;
- (3) ensuring each room for oral arguments is equipped with the necessary materials, including scoresheets, bench briefs, and robes;
- (4) facilitation and organization of the advocate briefs for grading by Board members; AND
- (5) entering advocate brief scores and oral advocacy scores on the master spreadsheet.

i. The Scheduling Chair. There will be ONE (1) Scheduling Chair per Board. The duties of the Scheduling Chair include, but are not limited to, the following:

- (1) during the Fall Semester, reserving classrooms for the practice exercises in the Appellate Advocacy class;
- (2) during the Fall Semester, scheduling groups of students with Board members for the practice exercises in the Appellate Advocacy class;
- (3) reserving classrooms for the fall and spring intraschool competitions;
- (4) scheduling oral arguments for the fall and spring intraschool competitions; AND
- (5) assisting other Board members with scheduling issues, including, but not limited to, the Judge Recruitment Chairs, Neumiller Chairs, and Asylum Chair and Vice Chair.

j. The Neumiller Chairs. There will be TWO (2) Neumiller Chairs per Board. The Neumiller Chairs are responsible for, but not limited to, the following duties for the Neumiller Competition:

- (1) recruiting outside judges;
- (2) organizing pre- and post-event receptions and meals;
- (3) organizing student receptions;
- (4) printing programs;
- (5) organizing travel arrangements;
- (6) purchasing and having awards engraved; AND
- (7) presenting awards at the awards reception.

k. The Public Relations Chair. There will be ONE (1) Public Relations Chair per Board. The duties of the Public Relations Chair include, but are



not limited to, the following:

- (1) generally informing the law school community of the Moot Court Program's activities and events by providing information via the internet, on the Moot Court Bulletin Board, in publications, and in other locations at the law school;
- (2) posting announcements and flyers regarding the Moot Court Program's administrative business (e.g., the Board Members' Office Hours Schedule), events (e.g., the Neumiller Competition), and other relevant information as it arises;
- (3) updating and maintaining the Moot Court Board's website and social media accounts;
- (4) working with the Asylum Competition Chair and Vice Chair to create marketing materials;
- (5) updating and displaying all Moot Court trophies, including the Neumiller Cup, throughout the year; AND
- (6) posting "Congratulations!" posters for all teams/competitors involved in both the intraschool and interschool competitions.

l. The Culture Week Chair/LSA Liaison. There will be ONE (1) Culture Week Chair/LSA Liaison per Board. The duties of the Culture Week Chair/LSA Liaison include, but are not limited to, the following:

- (1) registering the MCHB for a Culture Week, in accordance with the procedure set out by LSA;
- (2) responsible for the planning and execution of all events and activities related to Culture Week;
- (3) attending any LSA meetings on behalf of the MCHB as needed throughout the year;
- (4) attending or designating an attendee to represent the MCHB at any LSA-required training or meeting; AND
- (5) updating the MCHB regarding any relevant LSA activities.

m. The Asylum Competition Chairs. There will be THREE (3) Asylum Competition Co -Chairs per Board. The Asylum Competition Chairs shall be ultimately responsible for the success of the Asylum and Refugee Law National Moot Court Competition. They shall be assisted by the Asylum Problem Writing Chair, the Public Relations Chair, and the Asylum Competition Committee. The Asylum Competition Chair is responsible for, but not limited to, the following duties for the Asylum Competition:

- (1) aggressively recruiting competitors from law schools around the nation (including direct mailings and email correspondence with immigration law faculty and ABA moot court boards);
- (2) aggressively recruiting preliminary, semifinal, and final round competition judges from among the judiciary, local bar, and UC Davis and McGeorge faculty;

- (3) obtaining corporate sponsorship, and, if necessary, supplemental funds from the school;
- (4) coordinating the Asylum Competition Awards Banquet;
- (5) obtaining press coverage from campus and regional news outlets;
- (6) coordinating all principal post-competition activities, including writing thank you letters to judges and student bailiffs, sending to all competitors PDFs of their score sheets
- (7) working with the Public Relations Chair to create marketing materials;
- (8) preparing informational and registration materials;
- (9) creating and managing a budget;
- (10) purchasing trophies; AND
- (11) organizing the events and schedule of the tournament.

n. The Asylum Problem Writing Chairs. There will be TWO (2) Asylum Problem Writing Chairs per Board. The Asylum Problem Writing Chairs are responsible for, but not limited to, the following duties:

- (1) researching, writing, and editing the facts and majority/dissenting lower court opinions of the Asylum Competition Problem;
- (2) obtaining input and review from immigration faculty and immigration lawyers where possible;
- (3) preparing a bench memorandum to be distributed to competition judges; AND
- (4) serving as back-up judges for the Asylum Competition.

o. The 1L Competition Chairs. There will be TWO (2) 1L Competition Chairs per Board. The 1L Competition Chairs are responsible for, but not limited to, the following duties:

- (1) coordinating all pre-competition administrative needs;
- (2) recruiting and managing 2L volunteers to be bailiffs and judges;
- (3) coordinating with Judge Recruitment Chairs for any external judge recruitment needed;
- (4) holding trainings and office hours for advocates on oral arguments and brief writing; AND
- (5) coordinating competition activities to ensure successful execution of the event.

p. The 1L Problem Writing Chair. There will be TWO (2) 1L Problem Writing Chairs per Board. The 1L Problem Writing Chairs are responsible for, but not limited to, the following duties:

- (1) researching, writing, and editing the facts and majority/dissenting lower court opinions of the 1L Competition Problem;
- (2) preparing and editing the 1L Competition problem packet with program rules, problem, and case bank;
- (3) holding trainings and office hours for advocates on oral arguments and brief writing; AND

(4) preparing a bench memorandum to be distributed to all judges.

q. Members at Large. Members who do not hold a chaired position are known as Members at Large. Members at Large assist the Board with all aspects of the Appellate Advocacy class, events, and any and all other Board activities.

#### D. Board Responsibilities

1. The Moot Court Board. The Board is responsible for running the Moot Court Program. Specific duties of each member will overlap. All members are responsible for ensuring the success of the entire program.
2. The Board Members. Board members are generally responsible for implementing the decisions of each Chair and furthering the purpose of the Moot Court Program. Board members are required to fulfill numerous duties. These duties include, but are not limited to, the following:
  - a. overseeing a group of students for the practice exercises during the fall semester;
  - b. serving as Office Manager during fall and spring competitions, as needed and required by the Vice Chair;
  - c. serving as judges and on-call judges on argument nights during fall and spring competitions;
  - d. grading the fall semester written arguments and spring semester appellate briefs;
  - e. fulfilling office hours, as needed and required by the Board Chair;
  - f. notifying the Scheduling Chair of any potential conflicts of interest with an Advocate that would render the Board member, in his or her own judgment, incapable of neutrally judging and scoring that Advocate;
  - g. serving as Moot Court Board Member Coach to an outside competition team, as needed and required by the Competitions Chairs; AND
  - h. assisting Board chairs with their responsibilities as needed, including, but not limited to, judge recruitment, the Neumiller Competition, and the Asylum Competition.
3. Interschool Team Judging. Board members competing on interschool teams are expected to serve as student coaches for another interschool team, as needed and required by the Competitions Chairs.
4. Outside Competitions Team Coach. The Competitions Chairs assign coaches for each outside competition team. Board members responsible for coaching an outside competition team must ensure team members understand the rules and format of the competition, that all competitors complete the required ten practices prior to the competition date and, if possible, that teams have the opportunity to practice in front of a variety of judges (e.g., practitioners). If authorized by the Competitions Chairs, coaches may accompany their team to a competition with their expenses reimbursed through the Moot Court Program, for the purposes of guiding and advising competitors during the competition.

5. Office Manager. The Board Vice Chair may assign Board members to Office Manager duties, as needed to facilitate the fall and spring intraschool competitions. Board members so assigned will serve for one day at a time. The duties of the Office Manager include, but are not limited to, the following:

- a. Arriving at the Moot Court office no later than 5:15 p.m. to greet and check in arriving judges and provide them with parking passes, and to check in arriving Board members;
- b. Checking in with the Vice Chair (or Scheduling Chair or Judge Recruitment Chairs) to see if any judges have cancelled;
- c. Contacting Board members on call for that night (as assigned by the Vice Chair or Scheduling Chair) to tell them they must come in and judge;
- d. Checking with the Vice Chair to see if they need to call the caterer/restaurant to confirm the food order for the next night of the competition;
- e. Picking up, or arranging for delivery or pickup by an on-call Board member, dinner for judges from the caterer/restaurant;
- f. Saving receipts and delivering them to the Vice Chair;
- g. Setting up dinner for the judges in the room reserved by the Vice Chair (or Scheduling Chair), including providing water bottles for judges;
- h. Cleaning up the reserved room after dinner;
- i. Remaining in the Moot Court office until all the evening's rounds have been completed, and ensuring score sheets are returned completed and are filed in the appropriate folder (as determined by the Vice Chair);
- j. Ensuring all the competition rooms are sufficiently cleaned up and arranged for classes the following day.

6. Punitive Action

- a. Any Board member who feels that the conduct of another member impacts the ability of the Board to function properly may bring a concern to the Chair in confidence. If the concern is about the Chair, a member may turn to the Vice Chair to administer their complaint.
- b. The Chair (or Vice Chair), in turn, may consult with the Faculty Advisor about the complaints. Based on that conversation, the Chair (or Vice Chair) may hold a private meeting with the Board member to discuss the complaints. This will serve as the first warning. This warning shall be documented in writing by the Chair (or Vice Chair).
- c. In the event the offensive behavior continues, the Chair (or Vice Chair) shall conduct another private meeting as outlined in subsection b above in the presence of the Faculty Advisor. This will serve as the second warning. This warning shall also be documented in writing by the Chair (or Vice Chair).
- d. If the offensive behavior continues, the Chair (or Vice Chair) shall call a meeting of the entire Board. At that meeting, a vote will be called to consider either:
  - (i) Stripping the individual of their chairship (requires a simple majority of the Board); OR

(ii) Removing the member from the Board (requires a super-majority [3/4 of the Board]).

e. If the Board removes a member from the Board pursuant to subsection d(ii) above, the Chair (or Vice Chair) shall notify the Office of the Dean and Faculty Advisor(s) and may petition the Office of the Registrar to deny the expelled Board member units for serving on the Board.

#### E. Board Meetings

1. Notice. Where time permits, each Board member should receive 24-hour oral or written notice before a general Board meeting and 72-hour notice when the Board will vote on an amendment to the Rules or termination of Board membership. The notice requirement may be waived when emergency considerations prevent full compliance.
2. Frequency. The entire Board shall meet together at least once every semester. Additional Board meetings may be scheduled at the discretion of the Board Chair. The Chair will meet with individual chair positions regularly as needed.
3. Attendance. Board meetings are closed to non-members unless otherwise opened by a vote of the Board.

#### F. Decision-Making

1. Voting. Unless otherwise required by these rules, all substantial discretionary decisions should be decided by a simple majority vote. Board members shall vote by secret ballot, except that, without objection, the Chair may call for a voice or roll call vote to be taken on any agenda item. If a Board member is unable to attend a vote, they may vote by written proxy. Any Board member may call for a simple majority vote on any question not covered by the Rules.
  - a. Quorum. A vote is not effective unless at least two-thirds of the Board members are present or voting by proxy, or a vote by absentee has been authorized by a majority vote of the Board. Majority and super-majority requirements are satisfied by reference to the number of votes actually cast.
  - b. Absentee Voting. In a meeting at which no less than two-thirds of the Board members are present or voting by proxy, the Board in its discretion may authorize a vote by absentee on a particular item of business. A majority vote of those present or voting by proxy shall be required to authorize a vote by absentee. The Chair or Vice Chair shall then arrange for a vote to be conducted outside of any Board meeting in which Board members submit their votes either in writing or through electronic means. Voting shall be by secret ballot unless expressly waived by the Board in its authorization, and a quorum of no less than two-thirds of the Board members must participate for a vote by absentee to be effective. A vote by absentee shall be conducted no more than two weeks after the Board gives its authorization, and absentee votes shall not be accepted more than one week after voting by absentee begins.

G. Budget. The Board receives an annual budget from the administration. These funds should be spent on, but not limited to, the following:

1. problem materials;
2. Neumiller competition costs, including the post-argument luncheon or dinner and judge travel expenses (when necessary);
3. educational materials, which will improve the program's long-term effectiveness;
4. office expenses;
5. reception expenses;
6. interschool competition expenses; AND
7. Asylum and Refugee Law Moot Court Competition.

#### **IV. PROGRAM GUIDELINES – APPLICABLE TO BOTH SEMESTERS**

##### **A. Participation and Credit**

1. Participation. All second- and third-year King Hall students who are registered for the Appellate Advocacy class, except those who have already received credit for the course, may participate in the Moot Court Program.
2. Credit. Advocates receive two credits (on a satisfactory/unsatisfactory basis) for completing each semester of Appellate Advocacy. Additional academic credits may be awarded for participation on interschool competition teams.

##### **B. Oral Argument – Format**

1. Scheduling. The Board may schedule arguments on Monday through Friday evenings, avoiding Advocates' personal conflicts whenever possible. Arguments may not be scheduled within one week of the first day of final exams.

a. Attendance. Advocates for both sides are required to be present together at the scheduled argument time. The fact that the appellees/respondents argue after appellants/petitioners finish is irrelevant.

b. Late arrivals. Advocates are deemed late if not present for argument when summoned to court.

(i) If an Advocate is not present at the scheduled argument time, the court will wait 10 minutes before it hears the case, and the Advocate will incur a penalty.

(a) Penalty

(1) 15 points will be deducted from the late Advocate's total panel score of that round (5 points by each judge).

(2) The penalty may be waived at the discretion of the Board for good cause.

(ii) If the Advocate has not arrived by the time 10 minutes has elapsed,

the court will begin hearing oral arguments in the late Advocate's absence.

(iii) The court will not wait any longer than 10 minutes past the scheduled argument time. An Advocate arriving after this time will still be considered late, even if the court is behind schedule.

(iv) If the late Advocate arrives while the opponent is still arguing, they must wait outside the courtroom to be summoned. At that time, an Advocate may present his or her prepared argument, but will still be penalized for lateness.

c. Absences. An Advocate is deemed absent if they arrive after the other Advocate finishes their argument or fails to appear for an argument.

(i) Notice. An Advocate shall make a good faith effort to personally notify the Board of any emergency absence as soon as reasonably possible.

(a) Notice of an absence serves the following purposes:

- (1) shows respect for the Moot Court Program, Judges and other Advocates; AND
- (2) establishes a record that may be factored into the discretion of the Board when assessing the Penalty.

(b) Notice for an absence is accomplished by emailing the Chair of the Board or the Scheduling Chair.

(ii) Penalties

(a) The "no-show" Advocate will not be heard and will receive a score of "0" by each judge for that round, even if they eventually arrive.

(b) Penalty may be waived under very limited circumstances through the written Appeals Process outlined in this document. The Advocate will be able to argue later depending on the following:

- (1) the discretion of the Board for good cause;
- (2) the notice given to the Board; AND
- (3) the Board's ability to assemble a panel.

(c) An appeal of the Board's discretion will follow the Appeals Process outlined in this document.

d. Conflicts. When an Advocate is unable to argue at a specific time, it is the Advocate's responsibility to submit, in writing via e-mail, the time of that

conflict to the Scheduling Chair, by the deadline designated by the Scheduling Chair. If the Advocate has an unexpected conflict, it is the Advocate's responsibility to switch times with another Advocate. After the Scheduling Chair has posted the argument schedule, any changes made by Advocates must be submitted to the Scheduling Chair in writing via email. The Advocate who fails to do this and is absent on the night of their originally scheduled argument will receive "0" from all three judges for that argument.

2. Judges. Each oral argument is presided over by a bench of three Moot Court judges. One Moot Court Board member MUST be part of the bench for each argument during the Competition Rounds, but not for the Neumiller argument. Moot Court judges may be any of the following:
  - a. Board members;
  - b. King Hall faculty members;
  - c. area attorneys; OR
  - d. area judges.
3. Emergency Judges. When absolutely necessary, non-Board members with some prior moot court experience (at least one semester, preferably two of the Appellate Advocacy class) or other exceptional credentials may fill in as judges.
4. Two-Judge Panel. In the event that an oral argument round is presided over by only two Moot Court judges, a third score will be created for each advocate that is an average of the two given scores.
5. Clerks. When possible, the Judge Recruitment Chairs will provide time clerks for each argument. If no time clerk is scheduled for the argument, the Moot Court Board member judging the argument will be responsible for timing the argument.

### C. Oral Argument – Evaluation

1. Judges' Critiques. Judges orally critique each Advocate following his or her argument. Judges shall comment on both matters of form or style and of substantive law.
2. Scoring
  - a. Score Sheets. Arguments are graded on a scale of 20 to 100 points, using the distribution given on the judge's Oral Advocacy Score Sheet. Each judge shall complete a score sheet. Each Advocate thus receives three scores per argument. Scores are final and Board members do not have the discretion to change them.
  - b. Returning Results. Score sheets will be available as soon as the scores have been tabulated by the Moot Court Board Chair. Score sheets are available to the Advocates in the Moot Court office, during Moot Court Office hours. Advocates may not permanently remove the score sheets from the



Moot Court office under any circumstances. Removing score sheets from the Moot Court office permanently will result in all missing scores converting to "0."

- c. Errors and Omissions. If a judge forgets to score a particular category, the Board Chair shall use the average of the other two judges' scores for that category. If a judge adds the total score incorrectly, the Board Chair shall adjust the total score accordingly.

#### D. Oral Argument – Limitations

1. Research. Advocates must follow the instructions regarding research outlined by the Board in the Fall and Spring Problem Handbooks.
2. Questions. Advocate questions must be submitted in writing to the Problem Writing Chair responsible for the problem in question, or the Board Chair. Answers to written questions will be posted on the Moot Court bulletin board or shared with all Advocates via email. Questions must be submitted by the Wednesday before the first day of argument of each Round.
3. Spectators. No spectators are permitted at intra-school competitions, with the exception of the Neumiller competition. The participants in the argument and the Board member(s) responsible for the round shall have discretion over any exceptions to this rule, but under no circumstances may an Advocate or anyone acting as their scout be a spectator of a round in which they are not competing. Only upon agreement of the other participants will spectators be allowed. The Board member(s) responsible for the round shall notify the Chair and Vice Chair of any exceptions to this rule.
4. Coaching. Outside advice on legal issues is strictly prohibited. This includes, but is not limited to, assistance from professors and outside attorneys. Discussion among other Advocates is encouraged, however, and general advice from Board members is also acceptable.
5. Violations. At its discretion, the Board may penalize Advocates who violate any of the above limitations.

#### E. Appeals

1. Written Appeal. Advocates may file a written appeal with the Board, for any matter except scoring, only under extraordinary circumstances. Such appeal must be filed with the Chair of the Board within one week of the time when the Advocate knew of the contested action. The written appeal must describe the specific event(s) contested and the remedial action requested.
2. Moot Court Board Response. The Board will return a written response within one week of the initial filing. The Board has complete authority in evaluating appeals, and its decisions are final.
3. Final Appeal. Any further appeals should be taken to the professor acting as the Faculty Advisor.

## V. FIRST SEMESTER – LAW 410A

A. Focus. The first semester course work aims primarily to develop oral advocacy skills. Advocates may be required to conduct research and may be required to write a portion of an appellate brief.

B. Semester Format. Each Advocate argues both sides of two separate problems for a total of four oral arguments. If possible, the problem fact patterns are drawn primarily from materials covered in the first-year classes. The Problem Writing Chairs and their Committees prepare each problem. In addition, each advocate writes a short, 4-6-page, written argument based on the first of the two problems.

1. First and Second Problem. Advocates receive a problem packet from the Board. They must confine their arguments to the cases in the packet.

### C. Written Argument

1. Advocates will prepare a short (4–6 page) written argument, which will be equivalent to the argument section of an appellate brief, based on the first of the two moot court problems.
2. Deadlines for filing the argument, the content of the argument, and the form of the argument will be set out in instructions, in the form of a checklist, provided to the Advocates.
3. The argument will be graded, on a 100-point scale, on a “points to lose” basis, meaning that if the Advocate complies with each requirement on the checklist the Advocate will receive 100 points. Deductions will be made for each item on the checklist as to which the Advocate fails to comply, as indicated on the checklist.

### D. Oral Argument

1. Order of Presentation. The moving party (appellant/petitioner) will always address the bench first, followed immediately by the responding party (appellee/respondent). If the moving party reserves optional rebuttal time, this rebuttal will follow the responding party’s argument.
2. Preparation for the Wrong Side. If an Advocate prepares for the wrong side, they will be required to argue the originally scheduled side. However, at the discretion of the Moot Court judges responsible for the round, the Advocate will be allowed an additional 10 to 15 minutes to prepare but shall incur a penalty pursuant to the provisions of IV.B.1.b.
3. Duration. Each Advocate argues for 10 minutes. The moving party may reserve up to 3 minutes of that time for rebuttal. The arguments will be timed by a time clerk or a Moot Court Board member.

### 4. Scoring

- a. Total Semester Score. Each oral argument round will produce 3 judge scores. There are 4 oral argument rounds resulting in a total of 12 judge scores for each Advocate. In calculating the oral argument scores, the Board Chair will drop the highest and lowest scores for the semester. The Board Chair adds the remaining 10 scores and averages them for a total semester score.
  - b. Posting. The Board will post the final oral argument competition rankings on the Moot Court bulletin board, with each Advocate's score identified by Student ID number only. The Board will also post written argument scores but fall competition rankings will be based solely on fall oral argument scores. Interim scores may also be posted at the Board's discretion.
5. Emergency Issues. All emergency issues that arise during the evening of a competition round should be brought to the attention of the Office Manager on duty in the Moot Court Office, pursuant to III.D.5. Emergency issues include missing judges, occupied rooms, and other issues deemed emergencies by the Moot Court judges responsible for the round. Advocates should first confer with the Moot Court judges responsible for the round, if possible, before contacting the Office Manager.

#### E. Special Awards

1. Top Oralist, Fall Semester. Upon completion of all arguments, the number one ranked Advocate will receive the Top Oralist Award for the Fall semester.
2. Other Awards, Fall Semester. The Board may, in its discretion, bestow additional awards in the Fall semester.

## VI. SECOND SEMESTER – LAW 410B

- A. Focus. The second semester course work further develops oral advocacy skills but places additional emphasis on the research and writing skills required to competently produce an appellate brief.

#### B. Semester Format

1. Problem. The Spring Problem may be the National Moot Court Competition problem from the previous year's competition. If the Problem Writing Chairs feel that this problem is unsuitable for Law 410B, then a problem must be written or found from another source, such as from old Traynor Competition problems.
2. Team Selection. Advocates work in two-person teams for the second semester. Advocates may select their own partners for the semester and/or be assigned a partner by the Board. Teams shall indicate which party they would like to represent in the brief and which advocate will address each issue. Each Advocate is responsible for one of the two issues comprising the Spring problem. It is therefore required that each

Advocate concentrate on one of the two issues when preparing the brief.

C. Oral Argument – Order and Duration. During the second semester of the Appellate Advocacy class, the Advocates present their oral arguments as a team. The Advocates argue in the following order:

1. First petitioner – 1st issue – argue up to 15 minutes.
2. Second petitioner – 2nd issue – argue up to 15 minutes.
3. First respondent – 1st issue – 15 minutes.
4. Second respondent – 2nd issue – 15 minutes.
5. First petitioner – optional rebuttal up to 5 minutes. (Total presentation time is limited to 15 minutes.)
6. Second petitioner – optional rebuttal up to 5 minutes. (Total presentation time is limited to 15 minutes.)
7. Emergency Issues. All emergency issues that arise during the evening of a competition round should be brought to the attention of the Office Manager on duty in the Moot Court Office, pursuant to III.D.5. Emergency issues include missing judges, occupied rooms, and other issues deemed emergencies by the Moot Court judges responsible for the round. Advocates should first confer with the Moot Court judges responsible for the round, if possible, before contacting the Office Manager.

D. Appellate Briefs

1. Preparation. Although each Advocate should concentrate on one of the two available issues, Advocates are encouraged to work together when preparing the final team brief.
2. Scheduling. The Board will attempt to make the second semester problem available within one week of the first-class meeting. Advocates will be allowed approximately one month to complete the brief.
3. Format
  - a. Paper. All pages, except covers, must be single-sided on 8 ½ by 11-inch white paper.
  - b. Cover. Brief covers must be in the appropriate format and color for the side argued and the presiding court.
  - c. Length. Each page must not contain more than 28 lines of double-spaced text. Total length of the counted pages of the brief is not to exceed 40 pages (unless otherwise specified in the Spring Semester Handbook). The sections of the brief that count toward the page limit are the statement of the case, summary of the arguments, and the arguments. Each issue

argument is not to exceed 16 pages (unless otherwise specified in the Spring Semester Handbook).

- d. Font. Briefs must be written in Courier New 12-point font, except that the cover may use any appropriately sized font.
- e. Margin. Top and bottom margins must be at least 1 inch. Page numbers may be inserted below the bottom margin. The left margin must be at least 1.5 inches to accommodate binding and the right margin must be at least 1 inch.
- f. Citation Form. Citations must conform to the most recent edition of "The Bluebook: A Uniform System of Citation."
- g. Number of Copies Required. A total of 3 copies of each brief will be required.
  - (i) Extra Copies. The Board reserves the right to request additional copies.

4. Penalties. The Board may assess penalties at its discretion. They will generally follow these guidelines.

a. Length Violations

- (i) Length violations of the total page limit will result in a 5-point penalty for each page or fraction of a page over the total page limit. This penalty is to be assessed against the joint portion of the brief score.
- (ii) Length violations of the individual argument page limit will result in a 2½-point penalty for each page or fraction of a page over the limit. The penalty will be assessed against the individual brief score. This can be in addition to the overall length violation.

b. Font Violations [all repaginated font violations replace any overall length violations under subsections a(i), a(ii)]

- (i) A font violation that does not result in a page limit violation, even after recalculation of the pages, will be assessed 4 points against the joint brief score.
- (ii) A font violation resulting in an individual argument page violation, but not a total page violation overall, will be assessed 4 points against the joint brief score and 1½ points per page in excess of the individual argument page limit against the individual score.
- (iii) A font violation resulting in an overall total page violation, but not an individual argument page violation, will be assessed 4 points, plus 1 point per page in excess of the total page limit, against the

joint brief score.

- (iv) A font violation resulting in both an individual argument page violation and an overall total page violation, will be assessed 4 points, plus 1 point per page in violation of the total page limit, against the joint brief score. An additional 1½ points per page will be assessed against the individual brief score of the Advocate in violation of the individual argument page limit.
- c. Lines Per Page Violation. Any brief violating the 28 lines per page rule will receive a 3-point deduction from the joint section of the brief. Additionally, the brief will be repaginated at 28 lines per page (i.e., extra lines will be moved to the next page, so if an issue's argument is already at the maximum allowable page limit, moving excess lines to the next page would result in a page length violation), and any resulting page length violations which occur will be assessed.
- d. Due Date Violation. Any brief submitted late will automatically receive a 20-point deduction on the joint section of the brief (thus each advocate receives a 10-point deduction from the advocate's individual brief score). Beginning at 5:00 p.m. on the brief's due date, every additional 24-hour period that the brief is late will result in an additional 10-point penalty on the joint score of the brief. Late briefs will not be considered for the "Best Brief" award. After the 5:00 deadline, if there is not a Moot Court Board member present in the Moot Court Office (such as on a weekend), it is the advocates' responsibility to contact the Board Chair to arrange for late delivery of the brief. (Board Chair contact information is posted on the Moot Court website as well as the Moot Court bulletin board).
- e. Margin Violation. Any brief violating the margins rule will be assessed a 3-point penalty against the joint score. Additionally, the brief will be repaginated using the correct margins, and any resulting page length violations will also be assessed.

## E. Scoring

1. Oral Arguments. Each Advocate receives a total of six oral scores. Judges grade two arguments on a scale of 0 to 100 points using the same score sheet from the first semester. No scores are dropped in computing the second semester total oral score. Therefore, each Advocate receives 6 oral argument scores, which are averaged for the Advocate's final spring oral score, which is a maximum of 100 points.
2. Briefs. The Board grades briefs on a scale of 0 to 200 points.
  - a. Individual Scores. The Board will grade each brief on a scale of 0-200 points. The brief score will consist of a maximum of 80 points for each issue (for a total "issues score" of 160 points) plus a maximum of 40 points for the joint sections of the brief, resulting in a maximum of 200 points for the team's brief. The individual score will be calculated by adding the

advocate's issue (up to 80 points) plus half of the joint score (up to 20 points), producing a maximum of 100 points.

b. Grading. The mechanics of brief grading is left to the discretion of the Board.

### 3. Ranking

a. Weighted Average Scoring. Individual rankings are determined on a weighted average basis. The Board determines individual rankings by weighting the oral and written scores for the Fall and Spring semesters as follows:

(i) Fall semester oral scores = 30%

(ii) Fall semester written argument score = 10%

(iii) Spring semester oral scores = 30%

(iv) Spring semester brief scores = 30%

b. Individual Rankings. The Board determines individual rankings by adding:

(i) 30% of the individual's average fall semester oral score (where the average fall semester score is determined by dividing the fall total semester score by 10, producing a maximum score of 100); PLUS

(ii) 10% of the individual's fall written argument score (where the maximum score is 100); PLUS

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(iii) 30% of the individual's average spring semester oral score (where the average spring semester oral score is determined by dividing the sum of the spring semester oral scores by the number of spring semester judges, producing a maximum score of 100); PLUS

(iv) 30% of the individual's spring semester "final brief score" (where the "final brief score" is determined in accordance with section VI.E.2.a above, producing a maximum score of 100).

The sum of these four categories produces the Advocate's "final individual ranking score" (which has a maximum score of 100).

c. Team Rankings. The Board determines team rankings by adding the team members' final individual ranking scores (to produce a maximum team score of 200).

## F. Special Awards

1. Best Overall Appellate Advocate. This award is presented to the Advocate with the

highest overall combined scores for the Fall and Spring semesters.

2. Second Best Overall Appellate Advocate. This award is presented to the Advocate with the second highest overall combined scores for the Fall and Spring semesters.
3. Best Oral Advocate. This award is presented to the Advocate receiving the top oral score for both semesters combined.
4. Best Oral Advocate, Spring Semester. This award is presented to the Advocate receiving the top oral score for the Spring semester.
5. Best Brief. This award is presented to the team with the top combined brief score.

#### G. Neumiller Competition

1. Team Selection. The Board invites the two top scoring teams to participate in the Neumiller Competition.
  - a. In the event that an individual from either invited team is unable to compete at Neumiller that team will be disqualified, and the next ranked team will be invited to participate in the Neumiller Competition.
2. Side Selection. The selected teams may collectively determine which side each team will represent. If they are unable to reach an agreement, the higher scoring team will select their side.
3. Winners. The panel of judges selects winners based solely on their Neumiller scores and recognizes the winners as the best overall team.

## VII. OUTSIDE COMPETITIONS

### A. National, Traynor, NAAC, and Jessup Teams

1. New York Bar Association National Moot Court Competition. Team membership is limited to third-year students. The Board may select up to two teams of up to three competitors each. Advocates with the highest individual rankings pursuant to VI.E.3 will have first choice to become members of the National Teams. Each team will decide how the workload is distributed among members. Each team will be responsible for researching the problem, writing the brief, and arguing the brief.
2. Roger J. Traynor California Appellate Moot Court Competition. Team membership is limited to third-year students. The remaining Advocates with the highest individual rankings pursuant to VI.E.3 (after selection of the National Teams) will have first choice to become members of the Traynor Team. The team members will decide how to split up the researching, writing, and arguing duties.
3. ABA National Appellate Advocacy Competition. The Board may select up to two



teams of up to three competitors each. Of the six participating competitors at least two must be second-year students enrolled in the Appellate Advocacy class. Team members from the previous year that are also on the Board shall automatically be offered team membership. These team members, the Chair, and the Competitions Chairs shall determine the remaining membership spots. In the event of a tie, the vote of the Chair shall be controlling. These membership spots shall be offered in advance of, or concurrently with, the selection of the National and Traynor teams. Team members may also be members of the National or Traynor teams.

4. Philip C. Jessup International Law Moot Court Competition. The Jessup team consists of up to five competitors (four oralists, one researcher/brief editor). Team membership is limited to second and third-year students who are enrolled in or have completed the fall semester of the Appellate Advocacy class. Team members from the previous year shall automatically be offered team membership. If at all possible, a member of the Board shall be a member of the Jessup team. The returning team members, in consultation with the Chair and the Competitions Chairs, shall determine the remaining membership spots. Tryouts for Jessup team membership may be held separately from tryouts for other outside competitions. The strongest candidates will be able to demonstrate a clear interest in and familiarity with international law.
5. Allocation. The members of the National and Traynor teams (“Team Members”) should take the following factors into consideration:
  - a. Preferences of the Team Members, including preferences as to a particular competition, or preferences as to other Team Members with whom they would, or would not, like to be teamed up.
    - (i) The regional round of the National competition is in the Fall.
    - (ii) Should the National Team make it to the final round, it is in the Spring.
    - (iii) The Traynor competition is in the Spring.
    - (iv) National Appellate Advocacy Competition is in the Spring.
  - b. Individual qualifications of Team Members, and how those qualifications can best be utilized given the rules of each competition and the particular strengths and weakness of other team members.
6. Selection. The nine Team Members of the National and Traynor teams will be selected as follows:
  - a. Advocates with the highest individual rankings pursuant to VI.E.3 will have first choice to become members of the National and Traynor teams.
  - b. Ties:

- (i) In the event of a tie, the Advocate with the highest brief score prevails;
- (ii) In the event of a tie, and a further tie in brief scores, the Advocate with the highest spring oral score prevails;
- (iii) In the event of a tie in all three categories (fall oral, spring oral, and brief), the Board will determine the prevailing Team Member in its discretion.

B. Other Interschool Competition Teams. The Competitions Chairs, in consultation with the Chair, shall make decisions regarding additional interschool competitions.

1. Besides those individuals listed above no competitor is entitled to any particular competition.
2. Competitors selected for outside competitions will receive units and the right to compete contingent on their fulfillment of their obligations under these rules.
3. Competitors' obligations are as follows:
  - a. Competitors are obligated to comply with the budget given to them by the Competitions Chairs for their competitions. Failure to stay within budget limits will lead to unreimbursed expenses absent prior authorization from the Competitions Chairs.
  - b. Competitors are obligated to contribute to brief writing as required by competition rules, team agreement, or team coaches or Faculty Advisor instruction.
  - c. Competitors are obligated to participate in at least ten practice rounds. Competitors are obligated to participate in additional rounds if their coach or the Faculty Advisor deems it necessary.
  - d. Competitors are obligated to treat fellow competitors, coaches, Board members, and Faculty Advisors with respect and decorum. Failure to do so may reflect an inability to effectively represent the UC Davis community at competition.
4. Competitors may at any time withdraw from their competition and discharge these obligations; however, competitors who do so forfeit the right to either compete or obtain units.

C. Removal of Competitors

1. Any competitor may petition the Board for the removal of any competitor assigned to their team that has failed to fulfill a listed obligation. Such a petition must be seconded by a Board member in order to receive consideration.

2. Any Board member may petition the Board for the removal of any competitor on any team that has failed to fulfill a listed obligation. Such a petition must be seconded by another Board member in order to receive consideration.
3. The Faculty Advisor(s) may petition the Board for the removal of any competitor on any team that has failed to fulfill a listed obligation. Such a petition must be considered by the Board.
4. The Board shall notify the competitor and the Faculty Advisor(s) of the petition for removal in a timely manner. The competitor shall have a reasonable opportunity to respond in writing to the petition prior to the Board voting on the petition.
5. Removal of a competitor from any team requires a simple majority vote by the Board following the review of any of the above listed forms of petition.
6. If the Board removes a competitor from a team pursuant to subsection 5, the Board Chair shall notify the Faculty Advisor(s) and the Office of the Dean and may petition the Office of the Registrar to deny the competitor any units for participation in the competition.