

Official Rules for the 2008 Honorable Thomas Tang International Moot Court Competition

I. The Rules

The Director of the Thomas Tang International Moot Court Competition reserves the right to amend these rules and to make any decision, which shall be final, regarding any aspect of the Thomas Tang International Moot Court Competition. These Rules are dated August 29, 2008 and replace any and all prior versions.

These Rules are subject to modification on an as needed basis by the International and Regional Committees, should the need arise.

II. Use of the Thomas Tang International Moot Court Problem

The TTMC Problem is copyrighted material. No school or person may use the TTMC Problem for any purpose, except in connection with the school's participation in the 2008 Competition, without the express written consent of the Thomas Tang International Moot Court Committee. This prohibition does not preclude a school from using the TTMC Record in an intramural competition to select a team for the TTMC.

III. The Competition

The Thomas Tang International Moot Court Competition is an appellate advocacy competition sponsored annually by the NAPABA Law Foundation, an IRC § 501(c)(3) non-profit, charitable and educational affiliate of the International Asian Pacific American Bar Association (NAPABA). The NAPABA Law Foundation works closely with the International Asian Pacific American Law Students Association (NAPALSA) and its local affiliates at law schools across the country. The purpose of this Competition is to develop advocacy skills without regard to the merit of the petitioner's or respondent's cases.

The Competition was founded in 1993 and is named in honor of the late Honorable Thomas Tang, a respected jurist who was appointed to the United States Court of Appeals for the Ninth Circuit in 1977. Judge Tang's decisions during his more than eighteen years on the Ninth Circuit reflected his strong commitment to civil rights for all people. Judge Tang was known for his kindness and warmth, and the leadership role he played in the Asian Pacific American legal community. Prior to his passing in 1995, Judge Tang provided tremendous support to NAPABA and its activities, including the creation of this international moot court competition.

The regional rounds of the Competition are conducted during September or October of each academic year throughout the country. Finalists from each of the regional rounds participate in the international rounds held during the annual NAPABA Convention. These rules, in particular Sections VI, VII, VIII and IX, apply to all rounds of the regional and international phases of the Competition.

IV. Registration

Participation is open to all students currently enrolled in law school who have completed the first year of law studies.

Teams must register for the Competition by (i) completing a registration form, (ii) submitting proof of current enrollment in law school for each team member, and (iii) paying a one hundred fifty dollar (\$150) per team non-refundable registration fee, which will be used to defray administrative costs. Registration is not complete unless all three requirements are fulfilled or the International Moot Court Committee waives one of these requirements. The Chair(s) of the Competition shall notify each team where the registration form and checks are to be sent.

The moot court problem will be made available on the official NAPABA website before the registration deadline. Teams can obtain a copy of the problem by downloading it from the website. However, a team must complete the above registration procedures **before** its brief will be accepted by the International Moot Court Committee. In other words, no team's briefs will be accepted until proper registration has been completed.

Teams will be allowed to register after the registration deadline but before the Service Deadline only under extenuating circumstances as considered by the International Moot Court Committee. Teams may not register under any circumstances after the Service Deadline.

Teams experiencing difficulties downloading the moot court problem off of the NAPABA website may obtain a copy of the problem upon request to the International Moot Court Committee.

V. Teams

- A. Each team shall consist of two students. Alternates and substitutes may be named prior to the registration deadline or in emergency situations with the consent of the International Moot Court Committee.
- B. A team may be composed of students from different law schools only under extenuating circumstances and with prior consent of the International Moot Court Committee.
- C. There is no limit on the number of teams that can enter the Competition from each law school.
- D. The final work product of each team must be exclusively that of its members.
- E. There shall be no substitution in the membership of a team after the Service Deadline except under extenuating circumstances and with prior consent of the International Moot Court Committee.
- F. Each competitor may not be a member of more than one team nor participate in another team after withdrawing from a team that has already submitted a brief.
- G. The International Moot Court Committee will designate the party (Petitioner/Respondent) that each team is to represent on brief and assign an Official Team Number to each team.

VI. Briefs

- A. Each team shall prepare one (1) brief on behalf of the party it has been designated to represent.
- B. The Rules of the U.S. Supreme Court are adopted in full, subject to the following specifications:
 - 1. **COVER PAGE:** the title page of Petitioner’s brief must be printed on light blue paper. The title page of Respondent’s brief must be printed on red paper. The cover of the brief will contain the usual designation that would appear for the court in which the case is set. However, **no information which tends to identify the school of the contestants other than the Official Number assigned by the International Moot Court Committee shall appear on the cover or in any other place on the brief.** The Official Number must be placed on the **upper right-hand corner** of the cover, followed by a “P” for Petitioner or an “R for Respondent.
 - 2. **BINDING:** the briefs shall either be bound on the left-hand margin or stapled in the upper left-hand corner.
 - 3. **PAPER SIZE:** the size of the paper shall measure 8.5” by 11”.
 - 4. **LENGTH:** the argument section of each brief must not exceed twenty (20) pages. This twenty (20) page limit shall include only the argument itself including the conclusion (the cover page, questions presented, table of contents, table of authorities, statutory or constitutional provisions involved, statement of the case and summary of the argument are not included in the twenty (20) page limit).
 - 5. **TYPEFACE:** the typeface used for all briefs shall be Courier New, 10 point. All briefs shall comply with one (1) inch margins surrounding text: left, right, top and bottom (excluding page numbers).
 - 6. **SPACING:** must be double-spaced. Individual footnotes, quotes of more than fifty (50) words, and point headings, within the body of the brief, may be single-spaced. However, double-spacing between footnotes is required.
 - 7. **MISCELLANEOUS:** there need not be a formal statement of jurisdiction. All citations shall be complete and in the form prescribed by the most current edition of A Uniform System of Citation.
- C. Penalty Deductions and Formal Complaints:
 - 1. Calculation of Penalties
 - a. Violations of cover page requirements will be penalized in the amount of three (3) points per violation.
 - b. Each instance of an identity violation anywhere on the brief or cover page will be penalized in the amount of three (3) points per violation.
 - c. Violations of length and typeface will be penalized in the amount of three (3) points for each ½ page equivalent of excess text. For

example, an argument section that is twenty-one (21) pages long will be penalized by three (3) points if there is any text on page twenty-one (21) but the text does not exceed half the page; it will be penalized six (6) points if the text on page twenty-one (21) exceeds half a page. Similarly, an argument section with typeface that is too small will be penalized for the number of excess pages that result when the typeface is normalized to the required typeface.

- d. Violations of service will be penalized in the amount of three (3) points per day of incomplete service.
2. **Formal Complaints:** All formal complaints against an opposing team shall be brought to the attention of the Regional and International Moot Court Committee no later than ten (10) days before the regional competition. Complaints shall be emailed to both the Regional and International Moot Court Committee. An email confirmation shall be retained and serve as proof of mailing.
3. **Regional Moot Court Committee Assessed Complaints:** the Regional Moot Court Committee shall review each brief served upon it to determine whether any brief violations have been committed. All teams assessed with violations by the Regional Moot Court Committee shall be notified of such violations no later than five (5) days before the regional competition via email. A copy of such notice of violation shall be submitted to the International Moot Court Committee.
4. **Response and Determinations:** Any team having a formal or Regional Moot Court Committee assessed complaint served upon them may, no later than four (4) days before the regional competition, respond to the allegations by email to the **Regional Moot Court Committee**. No further responses from any parties will be considered. All determinations of format violations and appropriate penalties will be made by the **Regional Moot Court Committee** with reference to the International Moot Court Committee, when necessary, prior to the regional competition. No team shall be allowed to see a copy of their submitted brief before the regional competition has concluded.

VII. Service of Brief

A. Regional Competition

1. Each team shall submit one (1) electronic copy of its brief in PDF format to the Regional Moot Court Committee and the International Moot Court Committee by the Service deadline designated by the International Moot Court Committee. The International Moot Court Committee will notify each team in its region where the briefs shall be served.

2. Each team shall also submit one electronic copy of its brief in Word (.doc) format to the International Moot Court Committee.
3. Also, each team shall submit four (4) physical copies of its brief to the Regional Moot Court Committee by the Service deadline designated by the International Moot Court Committee. The International Moot Court Committee will notify each team in its region where the briefs shall be served.
4. In addition, each team shall serve one (1) electronic copy of its brief in PDF format on each team it is arguing against in each of two preliminary rounds. The International Moot Court Committee will provide the necessary addresses for each of the preliminary round opponents. Service will be confirmed by the International Committee via regulations promulgated by the International Director.
5. Service will be deemed complete only when all copies of a team's brief have been received by the appropriate recipients.
6. Brief service is effectuated by the Service Deadline designated by the International Moot Court Committee once confirmed by the International Director.
7. Penalties: Teams will be penalized for late filing (or inability to document service) and late service of briefs as outlined above in Paragraph IV.C.1.c.

B. International Competition

1. Each Regional finalist qualifies for the International Competition. The Regional Semifinalists may be substituted for the Regional finalist should circumstances arise which necessitate a substitution.
2. The International Committee shall be entitled to invite teams from law schools outside of the United States to participate in the international competition without that team having first participated in a regional competition.
3. The International Moot Court Committee may also invite one or more teams from the pool of non-advancing regional semi-finalists to the international competition.
4. Such teams will be chosen using the following criteria: a) size of regional and b) preliminary round seeding. Higher seeded teams from larger regions will receive priority.
5. Each team qualifying for the International Finals shall submit four (4) copies of its brief in hard copy and one electronic copy in PDF format to the International Moot Court Committee by 5:00 p.m. EST on the fourth business day after the conclusion of Regional Competition. For example, if your Regional Competition is October 20-21, you must submit your brief by October 25 at 5:00 p.m. EST. Contact information will be

supplied by the Regional Moot Court Committee upon the announcement of the qualifying teams.

6. Briefs must be submitted to the International Moot Court Committee by U.S. Postal Service, courier, or hand-delivered such that documents are received by the Service Deadline designated by the International Moot Court Committee.

VIII. Arguments

- A. The competition will consist of two preliminary rounds, a semi-final, and a final round.
- B. The International Moot Court Committee will randomly assign opponents for all preliminary rounds of arguments. This may result in teams from the same law school arguing against each other in preliminary rounds.
- C. No team members, or their coaches, will be permitted to observe another team's round. Also no team or coach may have anyone else observe another team's round on their behalf. A coach may only observe a round that his/her team is competing in.
- D. Each team will argue against two different teams in the preliminary rounds.
- E. The first preliminary round generally will be argued "on-brief". That is, if a team is assigned to write a brief as petitioner, that team will argue as petitioner in the first preliminary round. Additionally, if a team is assigned to write a brief as respondent, that team will argue as respondent in the first preliminary round.
- F. The second preliminary round generally will be argued "off-brief". That is, if a team is assigned to write a brief as petitioner, that team will argue as respondent in the second preliminary round. Additionally, if a team is assigned to write a brief as respondent, that team will argue as petitioner in the second preliminary round.
- G. Please note that Rules E and F apply only to the Regional Competitions. During International Competition, teams will be randomly assigned to argue one round on-brief and one round off-brief without regards to the position the team argued in its brief.
- H. If there are an odd number of teams, a randomly chosen team will sit out during the first preliminary round. That team will argue during the second preliminary round and a different randomly chosen team will sit out during the second preliminary round. The two teams that sat out during each of the preliminary rounds will argue against each other. The team that sat out during the first preliminary rounds will argue on-brief and the team that sat out during the second preliminary rounds will argue off-brief. Alternately, the odd team may be scheduled to argue in a No Opponent Round at the same time the other teams argue. This decision will be left to the discretion of the Regional Committee.
- I. Participants must check in outside their scheduled courtroom fifteen (15) minutes prior to the scheduled time of each argument. If a team is late in arriving at the argument, the Regional and International Moot Court Committees reserve the right to declare a default or to assess penalty points.

- J. At the commencement of each argument, the team members arguing the case shall introduce themselves by name to the Court. The name of the team's law school shall not be stated at any time before, during, or after the argument.
- K. No discussion with the judges is permitted until the critique, which shall be conducted by the judges after the oral argument.
- L. Only two (2) members are allowed to participate in each oral argument. Each team member will have fifteen (15) minutes for oral argument for a total of thirty (30) minutes per team. The time-keeper will advise counsel and judges of the following time points: five (5) minutes remaining, two (2) minutes remaining, one (1) minute remaining, and zero (0) minutes remaining. Once counsel is informed by the time-keeper that the time has expired, counsel must conclude the argument or receive the Court's permission to continue.
- M. The first speaker for the Petitioner may reserve up to two (2) minutes (in one minute increments) for rebuttal by notifying the presiding judge and time keeper prior to the commencement of the argument. Rebuttal may be argued by either member of the team with the time requested being subtracted from that member's fifteen (15) minute allotment. The team member who speaks first must indicate who will be rebutting. Petitioner may waive reserved rebuttal time at the conclusion of Respondent's argument.

IX. Scoring of Briefs and Arguments

- A. Judges for the briefs and oral arguments shall be selected by the Regional and International Moot Court Committees. The Regional and International Moot Court Committees shall select members of the judiciary, law school faculty, or the practicing bar for brief grading and judging of the oral argument. Unless completely impossible, judges shall not evaluate students attending their law school alma mater or their employer.
- B. Oral arguments: Each oral argument should be judged by three (3) judges but must be judged by at least two (2) judges. The average of each Speaker's oral argument scores in both preliminary rounds will be used in computing the total team score to determine advancement to the semi-final rounds. For example, if the first speaker receives the scores of 100, 95 and 93 in the first preliminary round and the scores of 60, 75 and 80 in the second preliminary round, the first speaker's average oral score will be $503/6 = 84$. If the first speaker receives scores of 90 and 94 in the first preliminary round and scores of 85, 83 and 80 in the second preliminary round, the first speaker's average oral score will be $[(90+94)/2+(86+83-80)/3]/2=(92+83)/2=87.5$.
- C. Briefs: Each brief should be scored by three (3) brief graders but must be scored by at least two (2) brief graders. Each brief grader should score all briefs to allow for consistent grading. The average of all of the brief graders scores for each brief will be the brief score used in computing the total team score for preliminary and semi-final rounds. For example, if there are three (3) brief graders and brief scores are 90, 80 and 70, the brief score will be $240/3 = 80$. If there are two brief graders and the scores are 50 and 100, the brief score will be $150/2=75$. Penalties assessed by the Regional and International Moot Court Committees are to be

deducted from the average brief score. For instance where the average score is 75 and there is a three (3) point penalty, the brief score is reduced to 72.

- D. The teams with the four highest team scores after the preliminary rounds will advance to the semi-final rounds and will be seeded according to their total team scores. In the event of a tie based on total point score, the teams' combined average oral scores will control. The fifth ranked team will be the alternate for the semi-final rounds. The top seed will argue against the fourth seed (1 v. 4) and the second seed will argue against the third seed (2 v. 3). The Petitioner and Respondent in each semi-final round will be determined by a coin toss immediately after the Regional and International Moot Court Committees announce the advancing teams for that round. The team with the highest total team score may choose to call the toss with the winner of the toss selecting which side to represent in the semi-final round.
- E. The team with the highest score in each semi-final round will advance to finals. In other words, the total point scores from semi-final rounds for teams ranked 1 and 4 will be compared and the total point scores from semi-final rounds for teams ranked 2 and 3 will be compared. The Petitioner and Respondent in the final round will be determined by a coin toss immediately after the Regional and International Moot Court Committees announces the advancing teams. The team with the highest total team score may choose to call the toss with the winner of the toss selecting which side to represent in the final round.
- F. In regions where the third place team shall qualify for the International Finals, a Consolation Final round shall be held. The scoring of such round will be the same as the scoring of the semi-final round as described in Paragraph I below. The judges shall not announce the winner of the Consolation round at its conclusion.
- G. The final round will be decided by a majority vote of the judges assigned to hear the round. Each judge will be will be informed of the teams' respective brief scores, but the use of such score in determining the winner is left to each judge's discretion. Each judge must determine which team, in his or her opinion, won the final round.
- H. Each team's total point score in the preliminary rounds shall be based on the total of three scores:

Average Oral Argument Points received by Speaker #1 in both preliminary rounds (100 total points possible)
+ Average Oral Argument Points received by Speaker #2 in both preliminary rounds (100 total points possible)
+ Average Brief Score (100 Possible)

TOTAL TEAM SCORE (300 total points possible)

- I. Each team's total point score in the semi-final rounds shall be based on the total of three scores:

**Average Oral Argument Points received by Speaker #1 in semi-final round
(100 total points possible)**
**+ Average Oral Argument Points received by Speaker #2 in semi-final round
(100 total points possible)**
+ Average Brief Score (100 Possible)

TOTAL TEAM SCORE (300 total points possible)

- J. The prize for best oralist will be given to the individual with the highest average oral score in the preliminary rounds as calculated in Paragraph 2 above.
 - K. The prize for best brief will be given to the brief with the highest average brief score after evaluation by the brief grading panel as calculated in Paragraph 3 above including the deduction of penalties.
 - L. The prizes for first and second place teams will be based on the determinations made by a majority vote of the judges evaluating the final round.
- X. Faculty or other Supervision (Coaches)**
- A. No team shall receive specific assistance in the writing of its brief from any individual other than the team members including faculty, fellow students, or attorneys. This rule shall not be construed to limit in any way the resource material available to the participants, except no participants shall procure a copy of any pleadings or papers actually filed in any trial or appeal of any case upon which the record is founded. Contact with the actual litigants or their attorneys is strictly prohibited.
 - B. This rule shall not be construed to prevent general discussion of the issues raised in the record with faculty or others, the judging of mock arguments by the faculty or others, or the giving of general critiques on such arguments, provided such discussions and critiques are not designed to change the substance of briefs or oral arguments. In interpreting this rule, it should be emphasized that the purpose of this Competition is to develop the art of appellate advocacy through the participant's own work.
 - C. Editing or proofreading of briefs shall be performed by no one other than the registered team members.
 - D. Any individual involved in drafting, reviewing, or preparation of the substance of the Honorable Thomas Tang International Moot Court problem or Bench Memo is prohibited from assisting any participants in preparing for this year's competition. This should not prohibit workshops, coaching sessions, and other assistance that is not specifically related to the Thomas Tang International Moot Court problem.