2016 CUA Immigration Law Moot Court Competition

RULES

On Friday, February 19, and Saturday, February 20, 2016, the Catholic University of America, Columbus School of Law (“CUA”), will host the CUA Immigration Law Moot Court Competition. The rules governing the Competition are set forth as follows:

I. ORGANIZATION OF COMPETITION, RESPONSIBILITIES OF MANAGEMENT AND PARTICIPANTS

A. The Vice Chancellor of the Immigration Moot Court Competition (“Vice Chancellor”) will apply and enforce these rules with due consideration for the teams and the competition. The Vice Chancellor shall be responsible for the management of the competition. Any and all questions concerning the Competition shall be brought to the attention of the Vice Chancellor as soon as possible. The Vice Chancellor for the 2016 competition is Ronalda Kosh and she can be contacted at CUAImmigration@gmail.com.

B. Each team shall designate one representative (“representative”) to whom information and briefs may be sent and with whom questions and concerns may be discussed. While team members can act as a representative, it would be preferable to nominate either a student coach or faculty advisor to communicate with the Vice Chancellor.

C. All competitors must abide by the Rules of this Competition. In addition, all competitors are bound by their law school honor codes with respect to their conduct under the Rules of this Competition. Violation of either is punishable by disqualification.

D. In the situation of an odd number of teams competing, the teams with the three highest brief scores will each argue unopposed once in the preliminary rounds.

II. DISTRIBUTION OF THE RECORD AND RULES

A. At least one copy of the Problem and the Competition Rules will be distributed to each team representative.

B. The Vice Chancellor will accept written questions regarding the Problem or Competition Rules until January 12, 2016, at 8:00 p.m. Eastern Standard Time, 5:00 p.m. Pacific Standard Time. Logistical questions concerning the competition will be taken until February 13, 2016, at 8:00 p.m. EST. All of these questions will be answered within 3 days of their receipt. Each team will receive a copy of all questions asked and corresponding answers. In order to best facilitate the question and answer period, the Vice Chancellor...
requests that all questions be e-mailed to CUAImmigration@gmail.com. Answers will be forwarded along with the question asked to all teams via e-mail. Please refrain from asking substantive legal questions about the problem, questions about judging criteria, strategy or tactics as advice on those subjects is not permitted. Doing so constitutes soliciting outside assistance and is punishable as listed below.

III. THE COMPETITION

A. ROUNDS

1. STRUCTURE

The Competition, consisting of three preliminary rounds, a semifinal round and a final round, will be held on two consecutive days.

2. PRELIMINARY ROUNDS

The final schedule for the preliminary rounds of the competition will be emailed Friday, February 12, 2016. The rough schedule is as follows: the first preliminary round will be held on Friday, February 19, 2016, from approximately 6:00 p.m. to 8:00 p.m. The second preliminary round will be held on Saturday, February 20, 2016, from approximately 9:00 a.m. to 10:30 a.m. The third preliminary round will be held on Saturday, February 20, 2016, from approximately 10:30 a.m. to 12:00 p.m. Each team should be prepared to represent both parties to the litigation. Each team will compete at least once representing the party for which a written brief was prepared (on-brief), and at least once for the party opposite the written brief (off-brief). Please note that participants are responsible for making a timely appearance at each round once the time is set. Late arrivals may be penalized or excused at the discretion of the Vice Chancellor. The four teams with the highest aggregate scores (50% brief score, 50% oral scores) from the first two preliminary rounds will advance to the semifinals.

3. SEMIFINAL ROUND

The Semifinal Round will be from approximately 1:30 p.m. to 3:00 p.m. Pairings will be made in an attempt to allow teams to argue on-brief, but no guarantees are made. If any team will be required to argue off-brief, then, in the interest of fairness, all four teams will draw to determine their side designation. The two teams with the highest scores, as determined solely by their oral argument scores in the semifinal round, will advance to the final round.

4. FINAL ROUND

The final round will be held at approximately 3:30 p.m. on February 20, 2016. To the extent possible, the two teams advancing to the final round will argue on-brief. If this is not possible, side designations will be determined by coin toss, the team with the highest score will call the coin in the air. The winner of the final round will be determined solely by the final round judges, based on the final round oral performances of the participating teams. There will be no numerical
scoring of the final round.

B. TEAMs

Each team shall consist of not more than three (3) student members. Team members must be students enrolled in a full or part-time program at the law school they represent. Only candidates for a Juris Doctor may participate in this Competition. All team members may participate in the writing of the brief and may present oral argument. However, in any single round, exactly two team members must argue. No substitution of team members will be permitted after the team has submitted its brief, except upon written consent of the Vice Chancellor.

C. SIDE DESIGNATIONS, TEAM NUMBERS AND COMMUNICATION

On November 20, 2015, the teams will be provided with the following via e-mail: (1) a randomly selected team number and; (2) the party that they will represent for the written brief. The side designations are randomly assigned and are not subject to alteration.

The team number provided will be used to identify the participating school until the completion of the competition. Revealing your school name at any point after team numbers are assigned may result in disqualification of a school’s team.

Any communication relating to the competition between schools and between team members of different schools is prohibited. All communication about the competition should be made directly to the Vice Chancellor via e-mail.

D. WRITTEN BRIEFS

1. SUBMISSION AND DELIVERY OF BRIEFS

(a) Briefs must be submitted, via e-mail, by 5:00 p.m. EST on Friday, January 22, 2016. Please note that the briefs must be sent electronically to CUAImmigration@gmail.com. Each team must submit two copies of the brief as described below:

a. Final Brief: The teams must submit two copies of the final brief: one in PDF format, one in Word format. The final brief must contain only the team number on the top right corner of the cover page and not the school’s or competitors’ names. The subject of the email should be name “[TeamNumber_Respondant/Petitioner_Final Brief].”

b. Measuring brief: The team must submit one copy of the measuring brief in PDF format. The measuring brief must bear the names of all team members, their actual or electronic signatures, and the names of their school on the front cover page and nowhere else. The subject of the email should be name “[TeamNumber_Respondant/Petitioner_Measuring Brief].”
(b) Upon receipt of each team’s electronic brief, the Vice Chancellor will forward one copy of each team’s brief to all competing schools by **8:00 p.m. EST on Friday, February 5, 2016** via e-mail. Each team must confirm receipt by **5:00 p.m. EST on Monday, February 8, 2016**, to the Vice Chancellor at CUAImmigration@gmail.com. The subject of the email should be name “[School’s Name_Confirmation of Receipt of Team Briefs].”

2. **FORMAT OF BRIEFS**

(a) Briefs must be submitted in Microsoft Word or PDF format according to the above filing requirements.

(b) The typeface used to produce the brief must be Times New Roman, 12 point font.

(c) Briefs must have one-inch margins on all sides and the text must be double-spaced.

(c) Footnotes must be single-spaced and use characters the same point size as the text.

(d) Briefs will be in the format required under the *Rules of the Supreme Court of the United States*,\(^1\) which will apply insofar as they do not conflict with Competition Rules. All briefs should contain the certificate discussed below.

(e) **No brief shall exceed forty (40) pages, including footnotes and citations.** The following materials are not to be included when calculating the number of pages: cover page; table of contents; table of citations; appendix containing relevant statutory and constitutional provisions (if any); and the certificate required by these Competition Rules.

(f) The relevant text of all statutes and constitutional provisions may be placed in an appendix instead of the body of the brief. It is not necessary to attach the Record to the brief.

(g) Citations will be complete and in the format prescribed by *The Bluebook: A Uniform System of Citation* (19th ed.). The typeface and abbreviation conventions will be in accordance with Rules 2.1 and 2.2 of *The Bluebook*. Underscoring may be used to indicate the use of italics, in accordance with B2 and B8.1.

(h) By actually or electronically signing the measuring brief, each team certifies that the brief has been prepared in accordance with these Rules and that it represents the work product of the team members only.

3. **BRIEF CERTIFICATES**

---

\(^1\) Copies of these rules are available at [www.supremecourts.gov](http://www.supremecourts.gov).
(a) In addition to the briefs, each team shall submit a certificate containing the following information:

(i) A statement that the work product contained in all copies of the team’s brief is in fact the work product of the team members;

(ii) A statement that the team has complied fully with their school’s governing honor code; and

(iii) An acknowledgment that the team has complied with all Rules of the Competition.

4. **SCORING OF BRIEFS**

(a) Brief scores shall constitute fifty percent (50%) of each team’s overall score for the preliminary rounds.

(b) A panel of judges will score the briefs. Briefs will be evaluated anonymously and graded on a scale of one (1) to one hundred (100) points. After a team’s brief score has been determined, penalties for formatting and citation errors, as well as any penalties for rule violations, will be subtracted from the initial score given.

(c) The following chart provides the point deductions for format and citation errors:

<table>
<thead>
<tr>
<th>FORMAT ERRORS</th>
<th>POINT DEDUCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-one inch margin</td>
<td>2</td>
</tr>
<tr>
<td>Non-double spaced text and single spaced footnotes</td>
<td>2</td>
</tr>
<tr>
<td>Non-12 point Times New Roman font including footnotes</td>
<td>2</td>
</tr>
<tr>
<td>Non-8 ½ x 11 page</td>
<td>2</td>
</tr>
<tr>
<td>Non-Compliance with Rule 24(1)(a)-(j) of the Rules of the United States Supreme Court</td>
<td>2/per error</td>
</tr>
<tr>
<td>Pages in excess of 40 not including those pages discussed in Rule III(D)(2)(c)</td>
<td>1/page</td>
</tr>
<tr>
<td>Competitor names or name of team including law school on any location except on front cover of measuring brief</td>
<td>1/per occurrence</td>
</tr>
<tr>
<td>Late submission of briefs to Vice Chancellor</td>
<td>5/day</td>
</tr>
<tr>
<td>Submission of wrong side brief</td>
<td>15</td>
</tr>
<tr>
<td>Failure to include brief certificate to Vice Chancellor with requirements outlined in Section 3(a)(i)-(iii),</td>
<td>1</td>
</tr>
<tr>
<td>Failure to submit Measuring Brief to Vice Chancellor</td>
<td>1</td>
</tr>
<tr>
<td>Minor Citation Errors – does not impair the ability of the reader to identify or find the authority and that does not misrepresent the material.</td>
<td>½ point / per error</td>
</tr>
<tr>
<td>Major Citation Errors – affects the ability of the reader to find or identify the authority or misrepresents the material.</td>
<td>1 point / per error</td>
</tr>
</tbody>
</table>

E. **ORAL ARGUMENT**

2 Only identify yourself and your school by **team number**, not school name.
1. LOCATION

The Competition will be held at The Catholic University of America, Columbus School of Law, 3600 John McCormack Road, N.E. Washington, D.C. 20064.

2. SCORING

(a) The teams’ score for the preliminary rounds will be based on the score for the brief and the score for the oral argument. In the preliminary rounds, the brief will constitute fifty percent (50%) of the team’s overall score. The team’s score for the semifinal and final rounds will be based entirely on oral argument performance.

(b) The only scores used to determine which teams advance to the final round are the oral scores from the semifinal round. The two highest scores will advance, which could mean that two teams that met in the semifinal round will meet in the final round. Thus, “winning” your semifinal round does not guarantee advancement.

(c) All scoring will be judged on a scale of 100 in whole numbers. If a judge provides a score other than a whole number, the number will be rounded up to the nearest whole number. Each preliminary oral round will consist of three oral scores. There will be a minimum of two oral judges in each room. In the event that only two judges are present the third score will be computed by averaging the two scores to create the third score. If there are three judges in the room then one score will be taken from each judge. In the event there are more than three oral judges, the team’s oral score will be taken from only three judges on a random basis prior to the score being revealed.

(d) In the event of a tie in determining the top two teams, the following procedures will be used by the Vice Chancellor in the following order:

   (i) The higher place will be awarded to the team with the higher final brief score. That team will advance to the final round.

   (ii) If a tie still remains, an average of the four oral argument scores from the preliminary and semifinal rounds will determine the higher place.

   (iii) In the event that either of the top two teams has not been determined, the higher place will be awarded to the team with the higher score from the Knowledge of Key Facts and Use of Authorities section of the oral competition score sheets. That team will advance to the final round.

(e) An individual competitor must argue in both preliminary rounds in order to be eligible to receive the Best Oralist award. The award for Best Oralist is given to the individual with the highest average score from the two preliminary rounds.

(f) The winner of the final round will be determined solely on its oral argument performance in that round. The brief score will not be used in determining the
winner of the final round unless a tie breaker is needed.

(g) The winning team will be designated Best Team based upon its performance in the final round.

3. FORMAT OF THE ORAL ARGUMENTS

(a) Each team will be limited to thirty minutes of oral argument, to be divided among its members as the team wishes, but only two members may argue in any one round. Each of the two team members must argue for at least seven minutes for each round in which they participate. At their discretion, judges may interrupt arguments to pose questions and may allow additional time for the advocates’ response. Petitioner’s counsel may ask to reserve up to five minutes of its team’s allotted time for rebuttal. Prior to oral argument, Petitioner’s counsel must notify the Bailiff of their intention to request rebuttal time.

(b) One Bailiff will be provided for each room during the oral competitions. The Bailiff will only advise each team when they have fifteen minutes, five minutes and one minute remaining in the total thirty minute allocation and that the thirty minutes has not been exceeded. It is each team’s responsibility to keep track of its own time allocations between team members. Bailiffs must not assist teams in allocating time between team members.

(c) All judges, both brief and oral, will be provided in advance with a bench memorandum. The bench memorandum will contain brief summaries of the major cases as well as explanations of the issues presented and discussions of what are anticipated to be some of the major arguments from both sides. In addition, copies of the competitors written briefs by team number will be available in the judges’ lounge prior to each preliminary round.

(d) Judges will be encouraged to critique all advocates after the completion of each of the two preliminary rounds of oral arguments.

4. IDENTITY OF LAW SCHOOLS

(a) The identity of the law schools represented by the participating team members must not be revealed to the judges at any time before, during, or after the oral arguments. Identities may only be revealed upon final scoring of the entire competition.

(b) A team member shall notify the Vice Chancellor immediately if that member knows a judge before whom that team member will be arguing. Failure to do so could result in the disqualification of that member’s team.

(c) Judges are also advised to notify the Vice Chancellor immediately if they recognize a competitor individually or the competitor’s school.

(d) Penalty for disclosure: Disclosure of the team member’s school name, at any time before the completion of the final round, may result in disqualification.

F. GUIDELINES FOR JUDGING BRIEFS AND ORAL ARGUMENTS
The problem, a bench memorandum, and a copy of these Rules will be provided for the use of those judging team briefs. Competitors’ briefs will also be made available to those judging oral arguments.

G. ANNOUNCEMENTS AND AWARDS

The team that wins the final round will be designated the Best Team. The Best Team, the team that wrote the Best Brief (as determined by the final brief scores) and the Best Oralist (based solely on the competitor’s preliminary round oral argument scores) will be announced at a reception following the conclusion of the final round of the Competition.

All participants and judges are invited to attend the banquet. At the conclusion of the banquet, the Vice Chancellor, Moot Court Chancellor and honored guests will present awards to the first and second place teams, as well as to the winners of Best Brief and Best Oralist.

H. FACULTY OR OTHER ASSISTANCE

One of the purposes of this Competition is to develop the skills of appellate advocacy. Accordingly, the team members themselves must write their own briefs and prepare their own oral arguments. Faculty members, fellow students, attorneys or other individuals must not review, edit or otherwise assist in the preparation of a team’s brief. Likewise, such individuals may not prepare the team members’ oral arguments for them. Participants may discuss issues and ideas relating to the Competition problem with faculty, fellow students, or others, and may use the assistance of such individuals to prepare for oral arguments in the form of mooting, question and answer sessions, etc. However, no other form of external assistance may be provided to the competitors.

I. INTERPRETATION OF THE RULES

1. The Vice Chancellor will issue an interpretation of these Rules upon request. All Rule interpretations will promptly be provided to each team.

2. Upon consultation with the Moot Court Chancellor, the Vice Chancellor of the Competition has the discretionary authority to modify or waive any of these Rules as required.

3. The Vice Chancellor will accept questions and requests for clarification of the problem until January 12, 2016 at 8:00 p.m. EST. Logistical questions concerning the competition or traveling to Washington will be accepted until February 13, 2016 at 8:00 p.m. EST. Absent extenuating circumstances, all such requests must be received by the Vice Chancellor by these dates at CUAImmigration@gmail.com. All requests for clarification must be sent via e-mail. All clarifications provided by the Vice Chancellor will be sent to each participating team.

4. In the event of any ambiguity or conflict, these Rules and/or written communications or interpretations provided to the participants will govern.

5. The Immigration Law Vice Chancellor, in conjunction with the Moot Court
Chancellor, reserves the right to penalize teams through a deduction of points for any unprofessional conduct not consistent with the Rules, their spirit, or the norms of professional conduct.