

**RULES OF THE  
2010 HERBERT WECHSLER NATIONAL CRIMINAL LAW MOOT COURT  
COMPETITION**

I. ELIGIBILITY FOR COMPETITION

A. **All participating schools must be accredited by the American Bar Association.** A team must notify the University at Buffalo School of Law's Criminal Law Society of its intention to compete by returning the registration form and the registration fee to the Society **postmarked by Friday, November 27, 2009**. Teams are urged to notify the Society as soon as possible of their intent to participate. Teams who notify the Society after the deadline may be allowed to compete at the discretion of the Society if the field is not yet full. The field will be full when twenty-four (24) teams have registered. Note: Criminal Law Society reserves the right, with notice, to increase the number of competing teams.

1. **IMPORTANT:** Registration fee deposits will **NOT** be refunded to any team that withdraws from the competition after Friday, November 27, 2009. A full refund will be sent to teams that withdraw prior to that deadline.

B. Submit a brief as defined in Rule III **postmarked by Friday, February 19, 2010**, in the following manner.

1. Six (6) hard copies and one (1) copy burned on CD-R OR CD-RW with jewel case (Microsoft Word 2000 or later) shall be submitted to:

Wechsler Competition Chair  
Criminal Law Society  
John Lord O'Brian Hall, Room 607  
University at Buffalo, School of Law  
State University of New York  
Buffalo, New York 14260

2. Submission of briefs shall be by prepaid first-class mail, Express Mail, Priority Mail, Federal Express, or United Parcel Service. Postmarks issued by a private postage meter will not be accepted as evidence of timely service.
3. By submitting a brief, each team member certifies that such brief was prepared in accordance with these rules and represents the work product solely of that member's team.

## II. TEAMS

- A. A school may enter up to two (2) teams consisting of two (2) members each. The two (2) members who write the brief shall be the same two (2) members who orally defend it. An alternate may compete orally **ONLY** in the case of an emergency and with approval of the Criminal Law Society.
1. In the event that a team member is unable to argue after arriving at the competition and the team has not brought an alternate, the remaining team member has two (2) options. First, if the remaining team member is prepared to argue her/his partner's issue s/he may do so and receive a separate oral grade for each issue. This will allow the remaining member to advance and to receive all of the available awards. Second, if the remaining member is unable to argue her/his partner's issue, s/he may still argue his/her single issue. By choosing the latter option, the remaining team member will be unable to advance, but s/he will still be eligible for the Best Brief, Best Oralist and Best Sportsmanship awards.
  2. There shall be no replacement of team members after service of the brief except with express consent of the Criminal Law Society.
- B. No team member may presently have a law degree.
- C. Team members must be fully enrolled in the law school that they represent.

## III. BRIEFS

- A. Choosing Sides. The brief shall be a written argument in support of either petitioner or respondent concerning the issues to be presented in oral argument to the court. Each team may choose to brief either side. However, if two (2) teams are entered from one (1) school, one (1) team must brief petitioner and the other team must brief respondent.  
\* Please note: Competitors will argue one preliminary round on brief and one preliminary round off brief. The UB Criminal Law Society will randomly assign what round will be on/off brief.
- B. Brief Format. Each team shall submit typewritten copies of their brief or identical reproductions thereof. Carbon copies are not acceptable, nor is any copying process that reduces the character size to a significant extent. **The cover of each of the six (6) briefs shall be identified ONLY by the team's number.** No information that would suggest the identity of the team or its school may appear elsewhere in the brief. The briefs shall be bound into a volume or fastened with three staples at the left margin. For the purpose of cite-checking and brief distribution to competitors via our website, each team must also submit a CD-R or CDRW containing the brief in Microsoft Word format. The type font and size shall be Times New Roman 12 pt. The briefs shall be produced on 8 1/2 by 11 inch white paper, and the printed materials shall not exceed 6 1/2 by 9 1/2 lines (margins set at 1" all around). The briefs shall not exceed

thirty (30) pages, INCLUSIVE of cover pages, questions presented, table of authorities, table of contents, statement of the facts, summary of the argument, and appendices. In computing the overall length of the brief, each inch of single-spaced footnotes, single-spaced quotations and single-spaced headings will be counted as two (2) inches of text.

- C. Rules of Form and Citation Rules. The problem will clearly set forth the jurisdiction; therefore, briefs shall be in the format of the jurisdiction specified. There need not be any formal statement of jurisdiction. An appendix is optional for all briefs, and no points will be deducted for omitting an appendix. All citations shall be complete and in the form prescribed in the most recent edition of the Harvard Law Review Association's Uniform System of Citation (Bluebook).
- D. Brief Submission Committee. After registration has concluded a random number will be assigned to each team by the UB Criminal Law Society's Brief Submission Committee. On Friday, January 8, 2010 each team will be notified of their number via e-mail. These numbers will remain anonymous.
- E. Brief Distribution to Participants. The UB Criminal Law Society will post all briefs on its website in order to allow competitors to view the briefs of their opponents in the preliminary rounds. Briefs will only be identified by team number and not by competitors or school names. Upon their receipt by the Society, all briefs will be posted on the UB Criminal Law Society website at: <http://wings.buffalo.edu/law/bcls>.
- F. Revisions. A team may NOT revise its brief after submission to the Society.

#### IV. ORAL ARGUMENT

- A. Participation. Each team will participate in two (2) preliminary rounds. In the event that an odd number of teams enter the competition, the Criminal Law Society reserves the right to take the steps necessary to ensure a fair and competitive event including, but not limited to, automatically advancing the team with the best brief score to the quarterfinal round, unless other arrangements are made by the Criminal Law Society. This potential situation will be avoided if at all possible.
  - 1. IMPORTANT NOTE: Teams will be required to argue "off brief" once during the preliminary round. In the event that two teams briefed the same side of the issue for the quarterfinal, semi-final or final rounds, the Criminal Law Society will randomly determine which team will be required to argue "off brief."
- B. Identification of Teams. At the beginning of each argument, the team member making the argument will state his or her name and team number. Team members SHALL NOT identify the school they represent in any manner during any round of oral argument through verbal communications, apparel, folders, pins, etc.

- C. Oral Argument Requirements. Oral arguments shall be limited to thirty (30) minutes per team, meaning fifteen (15) minutes per speaker. Judges may interrupt arguments to ask questions and may allow additional time to any participant. Petitioners will be allowed two (2) minutes of rebuttal time. Respondents will be allowed two (2) minutes of sur-rebuttal time. If a team elects to take rebuttal or sur-rebuttal time they MUST notify the court clerk prior to beginning the round whether they want the time and how they want the time subtracted. Either the two (2) minutes can be taken off of one (1) member's time or one (1) minute can be taken off each of the team members' time. FAILURE to notify the clerk will be considered a waiver of rebuttal or sur-rebuttal time. This rule will be strictly enforced. Although time may be subtracted from each team member's time, **ONLY ONE** (1) member of the team may rebut or sur-rebut. Rebuttal should be confined to the respondent's argument and likewise sur-rebuttal should be limited to the petitioner's rebuttal. Questions may be posed to the speakers by the judges during both rebuttal and sur-rebuttal.
- D. Conflicts. If a competitor happens to personally know a judge they must notify the clerk immediately so arrangements can be made to recuse the judge and assign a new judge. Failure to notify the Society of a competitor's personal knowledge of a judge may result in disqualification.

## V. GENERAL GRADING POLICY

- A. Overview. Although we cannot disclose specific grading criteria to competitors, the following is a vague description of some of the grading criteria judges will use to rate competitors.
- B. Oral Argument. During the oral arguments, judges will be rating each participant's speaking ability, ability to respond to questions, ability to deal with facts and issues, and overall persuasiveness. Each judge will be provided with a bench brief outlining the relevant issues. Judges should not ask, nor should competitors mention, whether competitors are arguing "on" or "off" brief. Oral argument shall count toward sixty percent (60%) of a team's total grade in advancing to the quarterfinals. The oral argument scores for the two (2) preliminary rounds will not be computed in the scores to advance to the semi-final or final rounds. Rather, competitors advance from the quarterfinals, semi-finals, and win the final round by winning against their opponent in that courtroom. In other words, one team will advance to the next round out of each set of teams arguing against each other. Grading will be on a one hundred (100) point scale.
- C. Written Briefs. Several brief graders will grade each brief. Brief graders focus primarily on a team's knowledge of the facts and legal principles, use of authority, logic, reasoning, and persuasiveness. Grammar, style, citation format, and conforming to the proper court rules will also be examined. The brief will count as forty percent (40%) of a team's total grade in advancing to the quarterfinals.

The brief grade will not be computed in the scores to advance to the semi-finals or final round. Grading will be on a one hundred (100) point scale.

- D. Advancement to Quarterfinals. The eight (8) teams receiving the highest combined brief and preliminary round oral scores will advance to the quarterfinals. Quarterfinalists will be announced at the conclusion of the lunch period. A random method will be used to select what side each team will argue ONLY if there is an odd number of petitioners or respondents. The winners of each individual competition within the quarterfinal round will advance to the semi-final round. Winners are determined in the quarterfinal rounds by oral score only.
  
- E. Advancement to Semi-Finals. The four (4) teams that advance to the semi-finals will be the winners of each individual courtroom competition of the quarterfinal round. Semi-finalists will be announced at the conclusion of the quarterfinal rounds. A random method will be used to select what side each team will argue ONLY if there is an odd number of petitioners or respondents. The winners of each semi-final round will compete against each other in the final round. Winners are determined in the semi-final and final rounds by oral score only.
  
- F. Ties. If more than eight (8) teams have the eight (8) highest team composite scores, the tie between the teams having the same team composite scores will be broken as follows:
  - 1. The team with the best team oral scores will advance.
  - 2. If the teams remained tied, the team with the best team brief score will advance.
  - 3. If the teams remained tied, the tie may be broken by an elimination round before a panel of judges selected by the Society, at a time to be determined by the Society, or by coin toss considering any time restraints.
  
- G. Awards. Awards will be given for Best Oralist, Best Brief, Best Sportsmanship and Best (First Place) Team.
  - 1. The first place team is the team who wins the final round.
  - 2. The oral advocacy award will be based solely on oral scores obtained during the preliminary rounds. Thus, failure to advance beyond the preliminaries will not preclude receipt of this award. Best Sportsmanship award will be based solely on votes obtained during the preliminary rounds as well.

## VI. OUTSIDE ASSISTANCE

- A. No team shall receive any assistance in the writing of its brief or in preparing for oral argument. This prohibition includes receiving assistance from, or sharing, or comparing research and work product with members of a competing team FROM THE SAME SCHOOL. This rule shall not be construed to prevent preliminary general discussion of the issues with faculty, the judging of an intramural tournament by faculty or others, or the giving of general critiques on such arguments by judges, provided such discussion, judging, or critique shall NOT change the substance of the brief or oral argument.
- B. Schools may conduct practice or preliminary rounds among their own students to determine team membership or to prepare for the competition. Schools may not conduct such rounds with students from other schools who are coming to this competition.
- C. NO member, coach or faculty advisor of a team participating in the competition may attend any argument of any other team or receive information about any such argument from any other person.

## VII. PENALTIES FOR VIOLATIONS

- A. Any teams submitting briefs postmarked after Friday, February 19, 2010 (See Rule I B 2) will be penalized ten (10) points off the brief score for each business day it is late. BRIEFS POSTMARKED AFTER MONDAY, FEBRUARY 22, 2010 WITHOUT ADVANCE EXPLANATION WILL BE RETURNED. Returned briefs receive a brief grade of zero (0).
- B. Any brief which exceeds the length requirements set forth in Rule III B *supra*, will be penalized three (3) points for each page by which it exceeds that length.
- C. Violation of any other rule may be penalized by a point penalty or expulsion from the competition at the discretion of the Society.

## VIII. QUESTIONS

A. All questions regarding the rules must be directed to:

Patrick Slagle  
Wechsler Competition Chair  
Criminal Law Society  
John Lord O'Brian Hall, Room 607  
University at Buffalo, School of Law  
State University of New York  
Buffalo, New York 14260  
wechslermootcourt@gmail.com

B. The Buffalo Criminal Law Society may amend these rules as necessary to ensure a fair and proper competition. The Society reserves the right to interpret these rules and resolve any and all disputes that arise.