

**59th Julius H. Miner Moot Court
Competition 2021–2022 Official Rules**

Note: This document contains the Official Rules (pages 1–8) and a sample Brief Scoring Sheet (page 9). The Oral Argument Scoring Sheet will be released on January 31, 2022 in order to accurately reflect pandemic precautions and changes to our program.

I. BRIEF

A. Organization

1. Each team is responsible for preparing a brief, which is due in advance of the oral argument rounds. There are two questions presented in the problem, and we suggest that each team member take primary responsibility for one issue. However, you may divide the work for the brief in whatever manner you choose. Regardless of your method, each brief must contain the following sections in the following order. Failure to include any section will result in the penalty indicated:

Section and Total Points Penalty if Missing

- Title Page (–2 points)
 - Questions Presented (–5 Points)
 - Table of Contents (–5 Points)
 - Table of Authorities (–5 points)
 - Opinions Below (–2 points)
 - Statement of the Case (disqualification)
 - Summary of the Argument (disqualification)
 - Argument (disqualification)
 - Conclusion (–5 points)
2. The title page must include the team number provided to you by the Miner Moot Court Board. The appearance of either participant’s name anywhere on the brief, or any other identifying information, will result in disqualification of that team.
 3. The table of authorities should be subdivided by type of source: Cases, Constitutional Provisions, Statutes, and Other Authorities.
 4. The term “passim” may be used in the Table of Authorities only if you cite a particular case or statute on more than five pages throughout the brief. In all other instances, use specific page numbers for citations.
 5. The Opinions Below and the Statement of the Case section must contain proper citations to the fictitious opinions included in the problem: [Case names and citations will be distributed closer to the competition date]

6. Do not include a jurisdictional statement.
7. All citations must conform to the Bluebook: A Uniform System of Citation (21st ed.).
8. Argument headings must be in ALL CAPITAL LETTERS. Subheadings must be in ordinary type and indented.
9. Top briefs from past competitions are available for review on the Law School's Miner Website. Any variations in format between these briefs and these rules will be resolved in favor of these Rules.

B. Formatting

1. The typeface must be 12-point Times New Roman. The file format must be Microsoft Word (.doc or .docx). Do not forget to remove any identifying information in the form of comments and tracked changes.
2. Briefs must be double-spaced. However, the Table of Contents, argument headings, footnotes (see below), and block quotations should be single spaced, but must still appear in 12-point Times New Roman font.
3. The brief is limited to 6,000 words. Briefs will be penalized 0.25 points for every fifteen words over the 6,000-word limit (rounding up to the next multiple of fifteen) (i.e., a 6,001-word brief will receive a 0.25 point deduction; a 6,015-word brief will receive a 0.50 point deduction).

The following sections are included in the word limit:

- Statement of the Case
- Summary of the Argument
- Argument

The following sections are not included in the word limit:

- Title Page
- Questions Presented
- Table of Contents
- Table of Authorities
- Opinions Below

- Conclusion
4. Bluebook citations should appear within the text of the document directly after the propositions they support, per Bluebook Rule B2.
 5. Footnotes are permitted for extra support, and must appear at the bottom of the corresponding page of text. Bluebook citations in support of propositions made in footnotes may appear in footnote directly after the sentence they support. Footnotes in the Statement of the Case, Summary of the Argument, and Argument sections are included in the 6,000-word limit.
 6. Margins must be one inch on all sides.
 7. Page numbers are to be included in the bottom center of all pages except the Title Page. The Questions Presented, Table of Contents, Table of Authorities, and Opinions Below should be numbered using lowercase Roman numerals. Arabic page numerals should begin with the Statement of Case and be used for all remaining sections/pages, beginning with the number 1. Failure to properly number pages will result in a one-point penalty.

C. Brief Grading

1. Two or more graders will independently score each brief on a 100-point scale. The graders will consist of Miner Moot Court Board members. Graders will follow rules and procedures contained in the Brief Scoring Sheet (below). The scores will be adjusted to account for differences between graders and then averaged into a base brief score.
2. The final brief score is determined by subtracting penalty points from the base brief score. Penalty points may result from organization violations, length violations, Bluebook errors, or a late brief submission.
3. The penalty points for organization violations are detailed in section I.A.1 of these Rules. The penalty points for length violations are detailed in section I.B.3 of these Rules. The penalty points for submitting a brief after the deadline is detailed in section II.A.3.
4. Every Bluebook-related error will result in a deduction of 0.2 points up to a maximum of 10 points. Once a Bluebook error is assessed, repetitions of that error will not be counted toward the total number of errors.
5. These are the complete rules for the brief. Any conflict between these rules and other rules, e.g., those for the Supreme Court of the United States, will be resolved in favor of these Rules. For example, the United States Supreme Court Rules require each brief to have a colored cover; our Rules do not.

II. Competition Procedures

A. Brief Deadlines

1. Each team must email its brief by 11:59 PM CST on Friday, January 28th to both Miner Co-Chairs with the subject “MINER BRIEF SUBMISSION – Team #_____”. The Co-Chairs’ emails are:

Nicholas Bottcher, nicholas.bottcher@law.northwestern.edu
Kristi Lew, kristi.lew@law.northwestern.edu

2. Penalties for a late brief submission will be assessed as follows:

Time of Submission and Total Points Penalty

12:00:01 a.m. – 12:30 a.m. (–2 points)

12:30:01 a.m. – 1:00 a.m. (–4 points)

1:00:01 a.m. – 5:00 a.m. (–10 points)

5:00:01 a.m. – 10:00 p.m. (–20 points)

Briefs will not be accepted after 10:00 p.m. two days after January 28th.

3. Emergency and COVID-Related Extension Exceptions: If you need an extension due a COVID-19 or other serious emergency, you must reach out to the co-chairs, Kristi Lew and Nicholas Bottcher. They will coordinate the request with the Dean of Students to get approval for your extension. You should reach out more than twenty-four hours before the brief is due.

B. Oral Argument Rounds

1. Each team will argue in four preliminary rounds. The first two preliminary round pairings will be at random. The final two preliminary round pairings will be “power matched” by record (i.e., teams with similar records will face each other in each of these rounds). Every effort will be made to avoid

rematches between teams in the preliminary rounds. Some effort will also be made to ensure that each team argues both sides of the problem (i.e. Petitioner and Respondent) two times in the preliminary rounds, but this is not always possible. If it is not possible, a coin toss will determine which side teams argue.

2. Opposing team assignments will be emailed to participants as soon as possible following each round of oral arguments. Room assignments will be emailed to participants the day of each round.
3. All briefs will be made available to all teams prior to the first round of oral arguments. Distributed briefs will not display participant names, but will display team numbers which become public knowledge during the oral argument portion of the competition.
4. Judges will read a bench memo summarizing the problem and key issues before each round. Judges will not receive copies of participants' briefs. Teams are not required to make the arguments they used in the written brief. As the competition progresses, it is expected that teams will refine their oral arguments.
5. Each team will have thirty minutes for oral argument in each round, which team members may divide in any manner they choose, provided that each competitor present argues for at least twelve minutes excluding any rebuttal time.
6. Absence policy: in the extraordinary event that one team member is unable to argue on a particular evening during the preliminary rounds, the other member may argue both issues and the team will be qualified to advance to the next round. This arrangement must be cleared with the Board before the round. In the extraordinary event that one team member is unable to argue on a particular evening during the elimination rounds, the other member may argue both issues, but the team will be disqualified from advancing to the next round. On no occasion may both teammates be unavailable to compete. In such an event, the team may be disqualified from the competition. If one team member drops out of the non-elimination rounds of oral argument the other team member is permitted to complete the non-elimination rounds of argument if they would like. However, the team will not be eligible for the elimination rounds.
7. Petitioners may reserve up to five minutes for rebuttal by requesting rebuttal time at the beginning of each round. Petitioners do not need to decide or declare which team member will rebut until just before the rebuttal begins. Rebuttal time is included in the team's thirty minutes. The rebuttal may not be split among team members (i.e., one team member must handle the entire rebuttal). Time allocated to rebuttal may be taken from one or from both

participants' total time (e.g., Teammate 1 initial argument for thirteen minutes, Teammate 2 initial argument for fifteen minutes, and either teammate may rebut for two minutes; Teammate 1 initial argument for fourteen minutes, Teammate 2 initial argument for fourteen minutes, and either teammate may rebut for two minutes; etc.). Rebuttal is limited to arguments addressing topics raised by the Respondents or the judges. No new topics may be introduced during rebuttal.

8. Should members of one team believe an opponent has misstated the law or facts during oral argument, that team should point out the misstatement during oral argument. The bench memo will contain concise summaries of the relevant facts and law, and the judges will receive instructions to make point deductions for misstatements even if not pointed out by the opposition. Therefore, please be careful in stating law and facts precisely. Please note it is not necessarily a mistake to admit that you are unfamiliar with the holdings of a particular case, especially if it is obscure. Judges will respect honesty much more than obfuscation or misrepresentation, and will score accordingly.

9. The judges will submit scores for oral arguments. Judges will base their scores on the grading rubric contained in the Argument Scoring Sheet (to be distributed January 31, 2022). Judges will also determine a single "Best Speaker" for each round of oral argument amongst both teams. The winner of each round will be determined by a weighted combination of the oral argument scores and brief scores. Brief and oral argument scores will be normalized to ensure fair weighting. The scores will be assigned relative weights in the following percentages per round:

	Brief Score Weight	Oral Argument Weight
Preliminary Rounds	33%	67%
Round of 16	25%	75%
Quarterfinals	10%	90%
Semifinals	10%	90%
Finals	0%	100%

10. The Brief score shall serve as the tiebreaker in the Finals in case of a tie. In the event of a tie any round other than the Finals, the best speaker, as determined by the judges, will determine which team advances.

11. The sixteen teams with the highest scores after the preliminary rounds will advance to the Round of 16. To determine which teams will advance and to seed the remainder of the competition, teams will be ordered first by win/loss record, and then by a combination of strength of schedule and margin of victory. The sixteen teams advancing to the elimination rounds will compete in a single-elimination tournament. Only the winning team advances in each round for the remainder of the competition.
12. During the first two elimination rounds, the team with the better seeding chooses the side it will argue. For the Semifinals and Finals, sides will be chosen by coin toss, where the winner gets to pick which side it will argue.

C. Other Guidelines

This competition is administered subject to the provisions and rules of the Northwestern Pritzker School of Law.

- Participants are reminded to cite all sources carefully. Any failure to attribute words or ideas to their proper sources is plagiarism and may result in disqualification and Honor Code action.
- Materials in the library are for the use of all competitors. Hoarding or stealing any materials is a violation of the SBA Honor Code and of these rules, and will result in immediate disqualification.
- Competitors may prepare for oral argument rounds with any person, with the following exceptions: members of the Julius H. Miner Moot Court Board and National Moot Court Team Members.
- You may not charge copying costs to student publications or other groups.

- You may not discuss the problem or moot with any 2021–2022 Miner Board Members at any time during the competition (January 14, 2022 –March 3, 2022).
- While you should identify the standard of review in your briefs and during oral arguments (only a sentence or two), your brief and arguments should focus on your substantive legal positions and arguments. Justiciability issues not covered in the 2021–2022 Miner Problem (such as standing, ripeness, mootness, or political question) should not be discussed either in briefs or at oral arguments.

D. Awards

1. **Best Brief:** The Adlai Ewing Stevenson Award will be presented to the team with the best brief. To determine the winner of the award, the five briefs that receive the highest score from the Miner Moot Court board will be given to three faculty members for grading. The brief that receives the highest cumulative score from the three faculty members will receive the award at the end of the competition.
2. **Final Round:** All finalists receive the Lowden-Wigmore Prize. The team that wins the final round receives the William Jennings Bryan Award. The Best Speaker in the final round receive the International Academy of Trial Lawyers Award.
3. **National Moot Court Team:** The Co-Chairs, with the assistance of the entire Moot Court Board, will select the eight members of the 2022–2023 National Moot Court Team. These selections will be based on performance during the entire competition. A competitor need not advance to the elimination rounds to be considered for the National Team.
4. **The 2022–2023 Julius H. Miner Moot Court Board:** All competitors will be invited to apply for a position on next year’s board. The current Co-Chairs, in consultation with the rest of the Miner Moot Court Board, will select the Co-Chairs of next year’s Board. The incoming Co-Chairs will select their Board members from the remaining interested applicants.

Julius H. Miner Moot Court Competition—Brief Scoring Sheet

Team Number: _____

Points

I. Introductory Sections

_____/20

- a. Questions Presented
 - i. Combined legal principles with key facts
 - ii. Are persuasive but not conclusory and are clear and succinct
- b. Statement of the Case
 - i. Provides easy-to-follow narrative and accurately includes all relevant facts
 - ii. Emphasizes favorable facts and avoids overemphasizing unfavorable facts
 - iii. Cites to, but does not merely repeat, the record
 - iv. Provides procedural background for the appeal
- c. Summary of the Argument
 - i. Answers the Questions Presented
 - ii. Provides concise summary of reasons for answers
 - iii. Can be understood without reference to other sections of brief

II. Argument

_____/60

- a. Organization
 - i. Cogently identifies and sequences grounds for relief
 - ii. Effectively uses thesis paragraphs
 - iii. Logically develops issues and uses genuine transitions
- b. Analysis
 - i. Use of record
 - 1. Utilizes record to client's advantage
 - ii. Legal argument and use of authority
 - 1. Clearly and affirmatively states relevant authorities
 - 2. Persuasively analogizes facts and holdings of similar cases
 - 3. Distinguishes or explains unfavorable cases
 - 4. Effectively supports or criticizes opinions below
 - iii. Adversarial effectiveness
 - 1. Anticipates and refutes opponent's arguments
 - 2. Avoids overly defensive responses to opponent's arguments
 - 3. Makes effective policy arguments

III. Writing Style

_____/10

- a. Uses clear, concise and persuasive language
- b. Avoids grammatical, spelling and typographical errors

IV. Overall Effectiveness of Brief

_____/10

V. Deductions

- a. Tardy submissions (noted on cover email with each brief, if any) MINUS _____
- b. Bluebooking (.2 points per objective error) MINUS _____
- c. Missing sections: Title Page (-2), Questions Presented (-5), Table of Contents (-5), Table of Authorities (-5), Opinions Below (-2), Conclusion (-5) MINUS _____
- d. Words Count (.25 points for every 15 words over 6000; only Statement of the Case, Summary of Argument & Argument) MINUS _____