



JUDSON A. FALKNOR APPELLATE ADVOCACY COMPETITION 2020 COMPETITION RULES

January 27 to February 3, 2020

I. GENERAL RULES

1. COMPETITION COMMITTEE -The Moot Court Honor Board (MCHB) selects a Competition Committee to run each competition. The Competition Committee Chairs may be reached via email uw2l3lappellateadvocacy@gmail.com. The members of the 2020 Falknor Competition Committee are as follows:

Michael McNeil, Co-Chair (mikem4@uw.edu)
Ria Kuruvilla, Co-Chair (riak@uw.edu)
Dakota Rash, Co-Chair (rashd@uw.edu)
Joe Sims, Co-Chair (simsj4@uw.edu)
Shiyun Chen, Committee Member (csy911@uw.edu)
Alex Nelson, Committee Member (alexn34@uw.edu)

2. QUESTIONS – Questions regarding the competition should be directed to the Competition Committee Chairs uw2l3lappellateadvocacy@gmail.com. Do not rely on answers from other MCHB members or competitors.

3. COMPETITOR MEETINGS – A representative from each team must attend all competitor meetings if any are called, or the team must let a Competition Chair know in advance that both members cannot attend.

4. UPDATE NOTICES – MCHB will post notices on the door of the MCHB office (Gates Hall 129). Notices will also be posted to the MCHB website. Teams are responsible for checking for announcements regularly. **MCHB will try to send all notices to competitors via email, but competitors are responsible for checking notices posted on the MCHB office door and website.**

5. WEBSITE – The competition problem and rules, and the MCHB Bylaws will be posted on the MCHB website throughout the competition. The Bylaws describe the structure and operating policies of the MCHB. The Bylaws also outline the rules that dictate how competitions are run. All competitors are expected to have read the competition rules and Bylaws.

6. IMPORTANT DATES

Problem Distributed:	December 20, 2019
Information Session:	January 7, 2020 (12:30, Room TBD)
Registration Ends:	January 13, 2020 (5:00pm)
Drop-out Deadline:	January 20, 2020 (5:00pm)
Checks Due:	January 20, 2020 (5:00 pm)
Brief Due Date:	January 21, 2020 (5:00 pm)
Competition Dates:	January 27-30, and February 3, 2020

7. ELIGIBILITY – 2Ls, 3Ls, and L.L.M. students currently enrolled at the University Of Washington School of Law are eligible to compete in the Falknor Competition. 1L students are not eligible to compete.

8. COMPETITION FEE – The competition fee is \$15.00 per participating team. **Checks must be made payable to the “UW School of Law.”** MCHB cannot accept cash. Each team must turn in a check to the MCHB office. Teams will not be registered until they submit a check. The latest a check may be submitted is January 20, by 5:00 pm.

9. HONOR CODE – Each competitor shall follow the MCHB Competition Honor Code, set forth in Rule 308 of the MCHB Bylaws, during preparation of the brief and during preparation rounds and participation in Oral rounds. **During the brief writing period, competitors may discuss the problem with their teammate only. Competitors may not discuss the problem with other competitors, nor seek or receive any assistance from another student, professor, or attorney, except the assistance normally provided to attorneys from reference librarians and court personnel.** Competitors may not reference materials associated with any other moot court competition. After the brief due date, competitors may discuss the problem with other students and receive critiques from students, professors, and attorneys in practice oral rounds if they wish.

10. REQUIREMENTS FOR ACADEMIC CREDIT – Students may receive up to (2) credits for participation in the Falknor Competition by registering for two credits of Law 600. Competitors are eligible to receive 1 credit for submitting a satisfactory brief that complies with the Falknor Competition Rules and complete the preliminary round portion of competition. Competitors are eligible to receive an additional 1 credit if they make it to the quarterfinal round.

More information will be distributed about receiving academic credit from our VP of Resources throughout the competition. Please direct questions regarding credit to mchbres@uw.edu.

11. WITHDRAWAL FROM THE COMPETITION – Any participant who drops out of the competition without good cause after **January 20, 2020** at 5:00 PM will be barred from competing in any MCHB competition for the rest of the 2019 academic year and up to one full year from the date of the competition, pursuant to Rule 308(d) of the MCHB Bylaws. Good cause shall be determined by the MCHB Executive Board as outlined in the Bylaws.

II. FALKNOR BRIEF

1. SIDE OF ARGUMENT – The Falknor Competition Committee randomly appoints each team to serve as counsel for either Petitioners or Respondent for purposes of writing the brief. Teams must prepare the brief for their assigned side only.

2. DUE DATE – Each team must submit **an electronic (Word AND PDF) copy** to uw213lappellateadvocacy@gmail.com by **5:00 pm on Tuesday, January 21, 2020**. Late briefs will be penalized ten points per hour up to 7:00 pm, after which briefs will not be accepted. Late briefs turned in after the 5:00 pm deadline will receive pro-rated penalties (for example, a brief that is turned in at 5:06 pm will receive a one-point penalty). MCHB will entertain motions to extend the deadline for good cause. Such motions must be submitted at least two (2) days prior to the brief deadline to the competition committee email address to allow the committee to properly consider the merits of the motion and provide its ruling – similar to how a court would. Note: the granting or denying of such a motion is exclusively at the discretion of the competition committee and cannot be appealed. The motion must conform to the format of similar motions to extend submitted in federal appellate courts.

3. OUTSIDE ASSISTANCE – During the brief writing period, competitors may discuss the problem with **their partner only**. Competitors may not seek or receive any assistance from another student, a professor, or an attorney, except the assistance normally provided to attorneys by reference librarians and court personnel.

4. BRIEF FORMAT

A. Length – Team briefs *may not exceed* twenty-five (25) full pages in length. The MCHB will remove any pages beyond the twenty-five (25) pages other than cover pages and appendices. This page limit is exclusive of the cover page, any appendices, and the items described in Section E(5)(i)-(iii), below.

B. Font and Size – All briefs MUST use the font Times New Roman with a font size of 12 or greater for all typed material. Briefs using other fonts or smaller font sizes will not be accepted. Formatting should be appropriate for a submission to a U.S. Circuit Court. This year's problem takes place in the fictitious 14th Circuit. For purposes of this competition please reference formatting requirements for the U.S. 9th Circuit.

C. Spacing, Paper Size, Margins, and Pagination – All printed material in the brief must be double-spaced, except for quoted material, point headings, footnotes, appendices, and tables. Teams must use 8.5" x 11" paper. All typed matter on one page, other than page numbers, may not exceed 6.5" x 9". Pages must be numbered at the bottom center. Do not number the cover page.

D. Cover Page – Each team's brief must include a cover sheet in pleading form. If a team is writing for the Petitioner, its cover page must be light BLUE; if a team is writing for the Respondent, its cover pages must be RED. *See FRAP 32(2)*. Each document shall bear on its cover, in the order indicated, from the top of the page:

- i. The docket number of the case or, if there is none, a space for one;

- ii. The name of the Court;
- iii. The caption of the case;
- iv. The nature of the proceeding and name of the court from which the action is brought (e.g., “On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit”);
- v. The title of the document (e.g., “Brief for Petitioner”); and
- vi. The number (**not names**) of the team submitting the brief.

E. Components – In addition to the main argument, every brief shall contain the following sections:

- i. Questions presented;
- ii. A table of contents;
- iii. A table of cited authorities (i.e. cases alphabetically arranged, constitutional provisions, statutes, treatises, and other materials) with references to the pages in the document where such authorities are cited;
- iv. A statement of facts; and
- v. A summary of argument.

F. Team Numbers – MCHB will assign a number to each team to identify the team throughout the Competition. Each team’s cover page must include the team number. **DO NOT put the names of team members on the brief.**

G. Binding – Staple the brief once in the upper left corner. Do not bind the entire edge or use paper with punched holes.

H. Citations – All citations shall comply with the form prescribed in The Bluebook, A Uniform System of Citation.

5. BRIEF SCORING

A. The Score – The brief score shall not exceed one hundred points or fall below zero points. The Competition Committee shall adjust the brief score by deducting points, if necessary, for technical violations and lateness from the substance and style score.

B. Substance and Style Score – The brief will be graded for substance and style on a 100-point scale. There shall be a $\frac{1}{4}$ point deduction for each citation error, up to a total of 10 points deducted for citation errors.

C. Technical Violations – Deductions for improper formatting are reflected in the final brief score in a number of ways. First, the individual that grades the brief for substance and style will take account of the propriety of the formation of the brief when judging its merits. Second, certain technical violations, such as submitting a brief with an improper font or font size, will result in the rejection of the brief. Third, other technical violations, like exceeding the page limitations, will be remedied by removing the excess pages from the brief. On top of these potential penalties for improper or inappropriate formatting, each of the following technical errors will result in a mandatory 1 or 2-point deduction based on the brief grading rubric:

- i. Omitting page numbers;
- ii. Omitting a cover page;
- iii. Attaching a cover page of improper color;
- iv. Failing to include the team number;
- v. Including name(s) of team member(s) in brief or on the cover page;
- vi. Using improper binding.

D. Late Penalty – MCHB will deduct 10 prorated points from the substance and style score of any brief received between 5:01 pm and 7:00 pm on January 21, 2020. Briefs will not be accepted after 7:00 pm on January 21, 2020.

E. Honesty – It remains within the discretion of the Competition Committee and MCHB Executive Board to impose any penalty, including deduction of points, loss of a round, or withholding recommendation for academic credit for the competition, for violations involving fraud or academic misconduct. (This includes, but is not limited to, use of material associated with another competition.)

F. Minimum Brief Standard: If the aggregate brief score falls into the category of “unsatisfactory” based on the scoring rubric, the team members will be required to edit and resubmit their brief to the MCHB Faculty Advisor for approval and academic credit.

6. USE OF BRIEF SCORE

A. Ballot Score –To determine advancement to and elimination from the later rounds of the competition, the scores of each round will be computed as follows:

B. Brief Oral Argument

Preliminary Rounds	40% (brief) / 60% (oral)
Quarterfinal Rounds	30% / 70%
Semifinal Rounds	20% / 80%
Final Rounds	0% / 100%

C. Best Brief – The teams with the first, second and third-highest brief scores will be acknowledged at the awards ceremony.

D. Tie-Breaker – MCHB may use the brief score as a means to break ties.

III. ORAL COMPETITION

1. FORMAT OF THE COMPETITION

A. January 27 to February 3 Schedule: (Round times may be subject to change.)

- i. The first of two preliminary rounds will be held on Monday, January 27, 2020. The second will take place the following evening, Tuesday, January 28, 2020. The preliminary rounds will commence at 6:30 p.m.
- ii. The quarterfinal rounds will be held at 6:30 p.m. on Wednesday, January 29, 2020.

- iii. The semi-final rounds will be held at 6:30 p.m. on Thursday, January 30, 2020.
- iv. The final round will be held at 6:30 p.m. on Monday, February 3, 2020.

B. Bailiff and Competitor Check-In – Bailiffs and competitors must check-in together thirty (30) minutes before the start time of oral rounds.

C. Competitor Participation – All teams will compete in two preliminary rounds. Quarterfinal, semifinal, and final rounds are conducted according to the schedule above. If there are an odd number of teams registered for the competition, a bye will be given to one team during the preliminary rounds. **A bye is not a guarantee that a team will not have to compete on any given night. Due to withdrawals and other unforeseen issues, the Competition Committee reserves the right to change pairings up to three hours before the start of a round.** That includes making a team that had originally been given a bye compete. All teams given a bye should be prepared on that night of the competition.

D. Structure & Time Limits – Each team may use up to thirty (30) minutes for oral argument. Teams may split their time in any manner they want; however, both team members must present argument to the court for at least twelve (12) minutes. Petitioners may reserve up to five (5) minutes of their total thirty (30) minutes for rebuttal. Teams may specify their time allotments to the bailiff prior to the start of the round, otherwise “any time remaining” up to five minutes will automatically be granted to the petitioner. The Competition Committee reserves the right to change time limits for individual teams to accommodate competitors with special needs.

E. Bailiffs – Petitioners must provide a bailiff to keep time. MCHB will train bailiffs as well as give them written instructions, a stopwatch, and time cards. If, for any reason, a team fails to provide a bailiff, MCHB may deduct two points per competitor from the oral score from *each* judge.

F. Posted Results – A member of the Competition Committee will post the results of each round reasonably soon after tabulation is complete and all winners have been declared. Competitor ballots for the first and second round will be returned to competitors after the quarterfinal bracket is released. Ballots for the knockout rounds will be released each night after the round is completed.

2. SIDE OF ARGUMENT

A. General Rule – MCHB will determine a team’s argument side randomly. The side on which a team will write the brief will not determine the argument side in any round. Teams may not agree to switch sides in any round.

B. Qualifying Rounds – Sides of argument for preliminary rounds will be determined randomly. During the second preliminary round, all teams will argue against teams other than their first round opponent, and, will argue for the side opposite of the side they argued during the first round. The Competition Committee reserves the right to change team pairings up to 2 hours before the start of a round, and to change a team’s side of argument as required to prevent teams

from arguing the same side they argued against each other in a prior round, regardless of how close to the start of the round it may be.

C. Elimination Rounds – The Competition Committee will determine the top ranked eight teams to advance to the quarterfinal round. A team’s argument side for quarterfinals, semifinals, and the championship rounds will be selected by the higher seed of each pairing. Higher seeded teams have 30 minutes from the release of the bracket each night to select their preferred side of argument, otherwise, the Competition Committee will select it randomly.

3. SCORING AND ADVANCEMENT

A. Determining the Winning Team for Each Round. The team that wins more ballots than the other wins the round. A team wins a ballot when its adjusted ballot score exceeds the opponent’s ballot score. In the preliminary rounds, the adjusted ballot score is the sum of .6 multiplied by the teams total ballot score for each judge (which is out of a possible 100 points) and .4 multiplied by the brief score (which is out of a possible 100 points). In the quarterfinal rounds, the adjusted ballot score is the sum of .7 multiplied by the teams total ballot score for each judge (which is out of a possible 100 points) and .3 multiplied by the brief score (which is out of a possible 100 points). In the semifinal round, the adjusted ballot score is the sum of .8 multiplied by the teams total ballot score for each judge (which is out of a possible 100 points) and .2 multiplied by the brief score (which is out of a possible 100 points). In the final round, the adjusted ballot score is identical to the ballot score as the brief score carries no weight. In the event that neither team wins more ballots than the other, the Competition Committee shall break the tie following the steps below in order.

- i. Average Ballot Score. If the Competition Committee determines that neither team has won more ballots than the other, each tabulator shall independently compute the average ballot score of all the ballots in the round for each team. The average ballot score is the sum of a team’s ballot scores from all the ballots in the tied round divided by the number of ballots in that round, rounded to the nearest hundredth. The team with the higher average ballot score shall prevail.
- ii. Average Oral Score. If the Competition Committee finds that the two teams have the same average ballot score when rounded to the nearest hundredth, each tabulator shall independently compute the average oral scores for each competitor in the round. The average oral score is the sum of a competitor’s oral scores from all the ballots in the tied round divided by the number of ballots in that round, rounded to the nearest hundredth. The round winner shall be the team with the individual competitor who has the highest average oral score in that round.
- iii. Brief Score. If the Competition Committee determines that there is still a tie, the Competition Committee shall declare the round winner to be the team with the higher brief score.
- iv. Absolute Oral Score. If the Competition Committee determines that there is

still a tie, the Competition Committee shall declare the round winner to be the team with the individual competitor who received the highest oral score of all the judges' ballots in that round.

v. **Competition Average Ballot Score.** If there is still a tie, the Competition Committee shall determine the competition average ballot scores for both teams. The competition average ballot score is the sum of each team's average ballot scores (rounded to the nearest hundredth) from all rounds divided by the number of rounds in which that team has competed, including the tied round but disregarding byes, rounded to the nearest hundredth. The round winner shall be the team with the higher competition average ballot score.

B. Determining Advancement to Elimination Rounds and Ranking for Power Protection. Before the quarterfinal round, the Competition Committee shall rank the teams according to the following criteria:

- i. **Winning Record.** Rank the teams by preference of the greater number of rounds won. Byes count as won rounds, unless a bye round was held, in which case the byes shall be disregarded.
- ii. **Competition Average Ballot Score.** Among teams with the same number of rounds won, rank by preference of the higher competition average ballot score. The competition average ballot score is the sum of a team's average ballot scores (rounded to the nearest hundredth) from all rounds divided by the number of rounds in which that team has competed, disregarding byes. Round to the nearest hundredth.
- iii. **Competition Average Oral Score.** Among teams with the same competition average ballot score when rounded to the nearest hundredth, rank by preference of the team with the individual competitor who has the higher competition average oral score. The competition average oral score is the sum of a competitor's average oral scores (rounded to the nearest hundredth) from all rounds divided by the number of rounds in which that competitor has competed, disregarding byes, rounded to the nearest hundredth.
- iv. **Brief Score.** Among teams with the same competition average oral score when rounded to the nearest hundredth, rank by preference of the team with the higher brief score.
- v. **Competition Absolute Oral Score.** Among teams with the same competition average oral score when rounded to the nearest hundredth, rank by preference of the team with the individual competitor who has received the higher competition oral score of all the judges' ballots in the competition.

The Competition Committee shall select the top eight (8) ranked teams for advancement to the quarterfinal round. In the quarterfinal round, the Competition Committee shall

match the highest ranked team against the team that is ranked lowest among the teams advancing, and the second highest-ranked team against the team that is ranked second lowest among the teams advancing.

Furthermore, in the quarterfinal round, the Competition Committee shall match the third highest-ranked team against the team that is ranked third lowest among the teams advancing, and the fourth highest-ranked team against the remaining quarterfinalist team.

IV. COMPLAINT PROCEDURES

1. COMPETITOR MISCONDUCT

A. Authority – The Competition Committee, the MCHB Executive Board and an MCHB Faculty Advisor may discipline competitors for violating the Competition Rules, MCHB Bylaws, or the Honor Code.

B. Procedure – Complaint procedures are described in the MCHB Bylaws.

C. Disciplinary Action – Based on the rule violations, competitors may be warned, may lose points in a round, or may be disqualified. Violators may also be denied awards, entry in future competitions, academic credit, or membership on the MCHB. Discipline of competitors will fit the severity of the violation and will be used only as a last resort.

2. TABULATION INACCURACIES – Any competitor may challenge the accuracy of a ballot tabulation by notifying the Falknor Committee Chairs no later than 30 minutes after the release of ballots each night. Challenges received after that time will not be considered. If the Competition Committee finds a miscalculation or other inaccuracy, the Competition Committee shall replace the postings of results with a corrected posting no later than three hours before the next scheduled round. If the Committee has posted pairings for the next round based on inaccurate scores, the Committee shall change the pairings for the next scheduled round no later than three hours before the next scheduled round. The Competition Committee shall promptly post a written response to the competitor challenging the tabulation.

V. RECOGNITION

1. COMPETITION AWARDS – MCHB will present at least the following awards at a ceremony after the final round:

Champion Team

Finalist Team

First, Second, and Third Place Speaker in the Overall Competition

First ,Second and Third Place Brief

3. INVITATIONS TO JOIN THE MOOT COURT HONOR BOARD – Two competitors will be invited to join the MCHB based on their performance. Competitors must reach the quarterfinals

to be considered for MCHB membership. The selection criteria are in the MCHB Bylaws at Rule 101.

4. ORDER OF THE BARRISTERS – Participation in the Falknor Competition is a category for selection to Order of the Barristers. Participants may apply for Order of the Barristers in the last quarter of their third year. A faculty committee selects up to ten applicants for membership in the Order based in part on an outstanding participation in Moot Court events.