

**TOURO COLLEGE JACOB D. FUCHSBERG LAW CENTER**  
**7<sup>TH</sup> ANNUAL NATIONAL MOOT COURT COMPETITION**  
**IN LAW & RELIGION**  
**April 11, 2021 – April 12, 2021**

**RULES**

**I. BACKGROUND**

The 7<sup>th</sup> National Moot Court Competition in Law & Religion (the “Competition”) will be hosted by Touro Law’s Moot Court Honors Board (the “Board”) of Touro College Jacob D. Fuchsberg Law Center (“Touro Law Center”) on April 11, 2021 and April 12, 2021. The Competition is administered by the Board and is designed to strengthen students’ advocacy skills.

- (A) The Competition is open to all law students of ABA-accredited law schools. Each student must be a law student pursuing a Juris Doctor degree.
- (B) The Board will interpret, apply, and enforce these rules for the Competition. The Board will also be responsible for managing the Competition and addressing all concerns that may arise. Any concerns regarding the Competition shall be brought to the attention of the Moot Court Editor-in-Chief, Alessandra Albano, at [aalbano@student.touro.edu](mailto:aalbano@student.touro.edu), and the Moot Court Associate Editor-in-Chief, Laina Milazzo, at [lmilazzo@student.touro.edu](mailto:lmilazzo@student.touro.edu).

**II. TEAMS**

- (A) Each law school participating in the Competition is limited to sending two (2) teams.
- (B) Each team shall consist of two (2) members. No student may be a member of more than one (1) team in the Competition. Each oralist must compete in both of the preliminary rounds in order to be eligible for an oralist award.

- (C) Each team shall provide a final list of team members and coach, as well as designate an alternate team member, to Program Editor, Nicole Grube at [ngrube@student.touro.edu](mailto:ngrube@student.touro.edu), by **February 15, 2021 at 5:00PM EDT**. Alternate team members may substitute for a team member upon the showing of undue hardship due to serious illness or other uncontrollable circumstances. The Board will determine what constitutes undue hardship.
- (D) Each team shall designate a contact person and provide the name, email, and phone number of that individual to the Board contacts listed in Section I(B). Thereafter, the Competition will address all communications to the designated team contact person.

### **III. BRIEFS**

- (A) The Board will designate a team number for each team after the problem is released.
- (B) Each brief must indicate on the cover whether the team is representing the Petitioner or Respondent, which will be randomly assigned by the Board. If a participating law school enters two (2) teams, one (1) team must write for the Petitioner and the other must write for the Respondent.
- (C) Citations must conform to the 21<sup>st</sup> Edition of *A Uniform System of Citation*, published by Harvard Law Review Association (“The Bluebook”).
- (D) The Summary of the Argument and the Argument sections of the brief shall not exceed twenty-five (25) pages.
- (E) Each team must submit one (1) electronic copy of the brief in PDF format to the Moot Court Honors Board at [tlcmootcourt@student.touro.edu](mailto:tlcmootcourt@student.touro.edu).
- (F) The brief is due no later than **Friday, March 12, 2021 at 11:59 PM EDT**. Any team whose brief is received later than Friday, March 12, 2021 at 11:59 PM EDT will receive a ten (10) point penalty for each day it is late, which will be deducted from the brief score. **No briefs will be accepted later than Wednesday, March 17, 2021 at 11:59 PM EDT.**

- (G) Briefs must conform to the Rules of the Supreme Court of the United States.
- a. Each Brief must include the following sections in the following order:
    - i. Cover Page
    - ii. Table of Contents
    - iii. Table of Authorities
    - iv. Question(s) Presented
    - v. Statement of the Case
    - vi. Summary of the Argument
    - vii. Argument
    - viii. Conclusion
- (H) For teams representing the Petitioner, the brief must have a light blue cover page. For teams representing the Respondent, the brief must have light red cover page.
- (I) Each team submitting a brief must acknowledge that the team's work is original and that the brief complies with the Rules set forth herein. This acknowledgement should be within the text of the e-mail that is sent with the brief as an attached document. Any brief submitted without this acknowledgment will not be graded.
- (J) Each brief must be submitted with the team's designated number on the cover page. No identifying information, such as competitors' names or school, may appear anywhere on the brief.

#### **IV. RELEASE OF COMPETITORS' BRIEFS**

- (A) All Competing Teams will have an opportunity prior to the Competition to read all submitted briefs. All submitted briefs will be posted on the competition webpage, <https://www.tourolaw.edu/MootCourt/National-Competition-Law-Religion>, no later than **Tuesday, March 16, 2021**. To access the briefs, competitors must use the following password:  
**LawAndReligion2021**

## V. BRIEF SCORING

- (A) Two (2) faculty and one (1) Board member will grade each brief anonymously. Each grader will use the official grading sheet attached at Appendix A of these Rules.
- (B) Each team's overall brief score will be the average of the panel of graders' scores.
- (C) The brief score will count toward 30% of the team's score during the Preliminary Rounds of the Competition.
- (D) The brief will NOT count toward the team's score during the Quarter-Final Rounds, Semi-Final Rounds, or Final Round, which are all single elimination rounds.

## VI. ORAL ARGUMENTS

- (A) The Preliminary Rounds will be held on **April 11, 2021** beginning at **12:00PM EDT on Zoom**. Each team will be limited to thirty (30) minutes of argument per round. Two (2) members of each team will argue the issues presented during each round, and each of these two (2) members must argue for at least twelve (12) minutes per round. The bailiff will hold up white time cards visible to the oralists indicating five (5), three (3), one (1), and zero (0) minutes remaining.
- (B) Teams representing the Petitioner may reserve up to three (3) minutes for rebuttal time. Such time will be deducted from their overall time. Rebuttal time can be charged to either team member's time, but only one team member may deliver the rebuttal. The procedure for reserving rebuttal time requires notification to the chief judge within the opening of the argument. If Petitioner fails to request rebuttal time, the judges have the discretion to deny rebuttal time.
- (C) Preliminary Rounds: Each team will argue a minimum of two (2) Preliminary Rounds ("on brief" and "off brief") for thirty (30) minutes each. Teams will be seeded based on their brief scores. Teams in the top half of the brief scores will be randomly paired against teams in the bottom half of the brief scores for each preliminary round. No teams will be paired together twice. In the event that there are an uneven number of registered teams, the

Board has the discretion to enlist a “ghost team” which will be a random pairing of Moot Court Honors Board members. The ghost team will not be able to advance to the next round. The eight (8) highest scoring teams will advance to the Quarter-Final Rounds.

- (D) Quarter-Final Rounds: Teams will be paired by their scores from the preliminary round. The highest scoring team will be paired with the lowest scoring team. To determine which team will argue which side, a coin will be tossed by a member of the Moot Court Honors Board. The highest scoring team will call “heads or tails” and the winner of the coin toss will decide which side that team will argue. Of the eight (8) teams, the four (4) teams who each win in their room will advance to the Semi-Final Round.
- (E) Semi-Final Rounds:
- a. The Semi-Final Rounds will be held on **April 12, 2021** beginning at **10:30AM EDT**.
  - b. For the Semi-Final Rounds, a coin toss will determine which side each team will argue. The two teams with the highest team oral argument score will choose heads or tails. The Semi-Final round will be a single elimination round. The two (2) teams who win in their rooms will advance to the Final Round.
- (F) Final Round:
- a. The Final Round will be held on **April 12, 2021** at **1:00PM EDT**.
  - b. The winner of the Final Round will be determined by the judges of the Final Round, solely on the basis of the Final Round oral argument performances.

## **VII. TECHNOLOGY**

- (A) The rounds will be conducted using individualized Zoom links, which will be sent to the designated contact person approximately one (1) hour prior to the beginning of each round.
- (B) Oralists must keep audio and video on at all times when arguing. When not arguing, the oralist not speaking must mute all audio, but remain on video.

- (C) The use of virtual backgrounds is strictly prohibited. Oralists are strongly encouraged to use the “gallery view” function on Zoom so that they can see both judges and all other oralists.
- (D) Oralists must properly angle cameras in order for the judges to adequately see them from the torso, up.
- (E) If any oralist or judge has connectivity issues, that oralist or judge must call the bailiff as soon as possible. The bailiff will provide his or her phone number in the chat prior to the commencement of the round.
- (F) In the event of connectivity issues, time will stop and will resume again once the oralist or judge reconnects.
- (G) Judges will have discretion as to whether to allow a competitor to restart their argument, if the connectivity problem occurs in the very early part of an argument, or pick up where he or she left off.
- (H) Oralists must:
  - a. Have stable, high-speed internet connection;
  - b. Limit competing bandwidth use during oral arguments;
  - c. Keep equipment plugged into a charger rather than relying on battery; and
  - d. Keep connection information (e.g. Zoom link, Meeting ID, and Meeting Password) at hand to quickly reconnect if necessary.
- (I) All oralists, coaches, attendees, and judges must silence all audible notifications from phones and computers during the rounds.
- (J) On Zoom, oralists must use the names under which they registered. Oralists and coaches must also display their designated team numbers next to their names on Zoom.
- (K) All oralists are required to participate in the Competition using a desktop or laptop computer. Phones, iPads, and tablets are permissible only as a back-up in case of connectivity problems.

## **VIII. ATTENDANCE AT ARGUMENTS**

- (A) No team member, coach, or faculty advisor of a team participating in the Competition may attend an argument of any other team during the Preliminary or Quarter-Final Rounds. The attendees at each argument are limited to the members of the competing teams and a maximum of two (2) coaches or faculty advisors for each team. Requests for permission for additional attendees must be made to the Board contacts listed in Section 1(B) before the teams enter the argument Zoom room. All participants may attend the Semi-Final Rounds and the Final Round of oral arguments.
- (B) Any attendees of these final rounds (aside from the oralists) must have their audio and video muted for the entire duration of the oral arguments, including before and after the actual arguments. Coaches, Faculty Advisors, and other approved auditors may not ask questions of the judges.

## **IX. COMMUNICATION DURING ROUNDS**

- (A) Once a round has begun, there shall be no communication in any form from any member of the audience, including coaches, faculty advisors, or team members.
- (B) Teams are not permitted to disclose the identity of their schools to judges until either the conclusion of the Competition or the team's elimination from the Competition, whichever is earlier.
- (C) Audio or visual recordings are prohibited during the arguments of all rounds, except as done by the Board.
- (D) Note-taking is prohibited during the arguments of all rounds, except as done by the Board. The prohibition on note taking does not apply to oralists while competing, nor does it apply to any one (1) coach per team who elects to take handwritten notes while his or her team is competing.

## **X. SCORING**

- (A) The scores of the teams will be computed for each of the Preliminary Rounds by adding the brief score and the oral argument score together. The oral argument score will count toward 70% of the overall score and the brief will count toward 30% of the overall score. The scores from the judges will be averaged together for the total score.
- (B) During the Quarter-Final Rounds, Semi-Final Rounds, and Final Round, the judges will determine the winner of the round based solely on the oral argument score.
- (C) In the event a tie occurs, the team with the higher brief score will be declared the winner.

## **XI. ANNOUNCEMENTS AND AWARDS**

- (A) On **Sunday, April 11, 2020 at 6:30PM EDT**, Touro Law Center will host a virtual awards ceremony on Zoom. There, six (6) oralist awards will be presented. These awards will be based upon performance in the Preliminary Rounds. Each oralist must compete in both of the preliminary rounds in order to be eligible for an oralist award. In addition, at the ceremony, awards will be presented for the three (3) highest scored briefs. The Zoom link will be sent out after all Preliminary Rounds are complete.
- (B) On Monday, April 12, 2021, the team that wins the Final Round will be named the First Place Team. The team that competes in the Final Round, but does not win, will be named the Second Place Team.

## **XII. PENALTIES**

- (A) The Board may assess such penalties, including disqualification, as it deems reasonable and appropriate in its sole discretion for failure to comply with these rules, other rules established by the Board, or the spirit of the Competition.

### **XIII. OUTSIDE ASSISTANCE**

- (A) The brief and oral argument must be the work product of the student team members only. The text of the brief must be the original work of the team members and cannot be copied from other briefs or sources, except for passages clearly designated as quoted material. All brief submissions may be examined through plagiarism software to verify submissions as original work of each team.
- (B) The prohibition on outside assistance does not prevent preliminary general discussion of the issues with the student coach, faculty or others before beginning to write the brief or during mootings sessions in preparation for the competition.

### **XIV. MISCELLANEOUS**

- (A) Participation in the Competition, whether as a team member, coach or faculty advisor, constitutes consent to be photographed and recorded by members of the Board or the Touro Law Center. Photographs and recordings may be displayed or distributed during or after the Competition in a variety of formats and media, including posting on the internet and use in press releases and promotional materials. Participants waive all claims for any compensation, damages or other remedies in connection with such photographs or recordings and their use.

### **XV. ADMINISTRATION**

- (A) For requests for information or rule interpretation, please contact the Moot Court Honors Board Editor-in-Chief, Alessandra Albano, at [aalbano@student.touro.edu](mailto:aalbano@student.touro.edu). The deadline for rule interpretations is **Monday, March 1, 2021 at 5:00PM EDT.**
- (B) The Board has the discretion to modify these rules as necessary.