

# CHARLESTON

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SCHOOL OF LAW

**The First Annual**  
*Charleston School of Law*  
**Moot Court Competition**

***Competition Rules***

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# RULES

## 1.0 INTRODUCTION

### 1.1 Purpose

The Charleston School of Law National Moot Court Competition is sponsored by the CSOL Moot Court Board and Faculty of Charleston School of Law.

### 1.2 Organization and Information

The CSOL National Moot Court Competition is organized by the Associate Justice of National Competition with the assistance of the 2L and 3L CSOL Moot Court members. The 2024 competition problem is written by the Faculty Advisors, Kevin Eberle and Frank Ulmer, and amended by the CSOL LRAW faculty. The Rules Committee is headed by the A.J.N.C. for the 2023-2024 school year and the A.J.N.C. for the 2024-2025 school year. They are responsible for the promulgation and interpretation of these rules.

General Information regarding the Competition can be obtained at:

<https://charlestonlaw.edu/moot-court/>

IF there are any questions regarding the rules or the competition itself, please contact the A.J.N.C.

**Email:**            **csolmootcourt2024@charlestonlaw.edu**

## 2.0 ENTRANCE PROCEDURES AND GENERAL PROVISIONS

### 2.1 Number of Teams

Each participating law school may enter up to two (2) teams. The teams will be enrolled for the Competition in the order that their registration form and payment are received. Registration fees are non-refundable, except that fees will be returned if a team is unable to participate because of limited space.

### 2.2 Composition of Teams

Students currently enrolled in law school are eligible to compete, provided they have not received their Juris Doctor degree as of the date of the Competition. A team must consist of two (2) or three (3) students attending the same law school, but only two (2) members may argue during a given round. Any two members of a three-member team may speak in each round of oral argument.

### 2.3 Substitution in Membership of Teams

Team members may not be changed at any time after a school's team is registered and begins preparation of the brief. However, the A.J.N.C. reserves the right to allow a substitute to participate in the competition upon a showing of extreme hardship by the team requesting such a substitution.

## **2.4 Team Identification**

Each team will be assigned a random number for identification purposes in order to ensure anonymity. The name of the teams' school is not divulged to any of the judges until after the scores have been calculated, and then only if the judge(s) are not judging any subsequent rounds. If a judge asks an advocate what school he or she represents, the advocate must respond that the rules do not permit the disclosure of school affiliation until after the competition. If any member of a team prematurely reveals that team's school identity to any judge(s), five (5) points will be deducted from the team's overall oral score from that round.

## **2.5 Record**

The A.J.N.C. has incorporated a factual record into the Appellate Court opinion. The facts in that opinion are the official and exclusive record. No new facts are to be added. Any requests for clarification of the facts shall be submitted in writing via email to the A.J.N.C. by **July 19, 2024**. The questions submitted and responses by the A.J.N.C. will be promptly given in writing via email to all competing schools. To contact the A.J.N.C., please write to [csolmootcourt2024@charlestonlaw.edu](mailto:csolmootcourt2024@charlestonlaw.edu).

## **2.6 Outside or Other Assistance**

The team coaches and faculty advisors may advise the team during the preparation of the team's argument and/or brief. However, such advice and assistance are permitted only for teaching purposes. The team coach or faculty advisor is prohibited from participating, in any manner, in the actual research for the argument or brief, or in the actual writing and/or editing of the brief. All substantive work must be the exclusive product of the team competitors.

## **3.0 BRIEFS**

### **3.1 Brief Writing Side**

The A.J.N.C. will designate which teams will write for the Appellant and the Appellee. Each team will be required to write for the side that has been assigned. Failure to do so will result in a loss of twenty-five (25) points from the brief score. If a law school enters two teams in the Competition, the A.J.N.C. will assign one team to represent the Appellant and the other team to represent the Appellee. Please note that you must be prepared to argue for each side in the oral argument portion of the competition as discussed in *Section 4.0 Oral Arguments*.

### **3.2 Length of Briefs**

The brief may not exceed twenty-five (25) double-spaced, typed pages in Times New Roman, twelve (12) point font (except for point headings and subheadings, which must be single-spaced). The Cover Page, Table of Contents, and Table of Authorities are not included in the 25-page limit. Footnotes, if used, must be single-spaced in Times New Roman, ten (10) point font. Teams submitting briefs that exceed the specified page limit

will be penalized five (5) points per additional page. Teams not using the proper size font will be penalized five (5) points.

### **3.3 Brief Content**

All briefs shall contain, under appropriate headings, and in the order indicated:

- i. Cover Sheet
- ii. Questions Presented
- iii. Table of Contents
- iv. Table of Authorities
- v. Summary of the Argument
- vi. Argument
- vii. Conclusion

The cover sheet of the brief must set forth: the name of both the court and the court appealed from; the index number of the case; the title of the document, e.g., “Respondent-Appellant Brief” and the anonymous identification number the team has been assigned (*See Appendix for Example*). The brief itself shall not be signed nor shall it contain any team member’s name or school designation.

The statement of the case shall be persuasive, accurate, and comply with all ethical requirements of candor to the tribunal. Factual statements must be supported by references to the page(s) of the trial court decision where the facts appear.

### **3.4 Submission of Briefs and Formatting**

Each team shall submit one (1) electronic brief via e-mail to the A.J.N.C. at [csolmootcourt2024@charlestonlaw.edu](mailto:csolmootcourt2024@charlestonlaw.edu). The subject line of the e-mail should read “CSOL Competition Brief Submission – [School Name and Team #].” The body of the e-mail shall be left blank. The electronic version of the brief should be attached in Adobe PDF format. Your Team # should be the “title” of your Brief. If you are unable to convert to Adobe PDF format, attach the document in Microsoft Word Document Format and the Moot Court Board will convert it to PDF format. Please note that some formatting (especially between Mac and PC), but not content, may be lost in conversion.

Briefs submitted to the A.J.N.C. must have a colored covered sheet and the cover sheet shall be colored as follows: Appellee – light blue and Appellant – red. Briefs submitted with the wrong color sheet will be penalized five (5) points.

### **3.5 Citations**

All citations shall conform to the most recent edition of THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION. Failure to conform citations properly may result in point deductions of one-half (.5) of a point per citation.

### **3.6 Deadline for Submitting Official Briefs**

Electronic submissions should be made on or before **11:59 p.m. on August 16, 2024**, in accordance with Rule 3.4.

### **3.7 Service of Briefs on Other Teams**

Briefs will be constructively served on all other teams electronically. The electronic version of all submitted briefs will be posted in a password protected section of the CSOL Moot Court Competition Website which can be accessed at <https://charlestonlaw.edu/moot-court/>.

### **3.8 Consequences of Failure to Submit Briefs**

If a team fails to submit its brief within the time specified by these rules, the team will be penalized five (5) points per day from the overall brief score. Briefs submitted five (5) days late will receive a twenty-five (25) point reduction in their comprehensive brief score. A brief that is submitted more than five (5) days late, but not more than ten (10) days late, will receive a fifty (50) point reduction in the comprehensive brief score. If a team submits a brief more than ten (10) days late, or not at all, that team will be removed from the Competition.

## **4.0 ORAL ARGUMENTS**

### **4.1 Time, Place, and Length of Arguments**

Preliminary, quarter-final, and semi-final arguments will be conducted in Charleston School of Law classrooms and Moot Courtrooms on October 18 and 19, 2024. Final arguments will be conducted in the Charleston School of Law Courtroom on October 19, 2024. Specific time and room assignments for the preliminary rounds will be announced during registration on October 18, 2024. Time and room assignments for the succeeding rounds will be announced when the advancing teams from the previous rounds are announced.

Oral argument is limited to a total of thirty (30) minutes per team. Judges, in their discretion, may interrupt arguments to ask questions and may allow additional time. Two (2) team members will argue at each round. Each individual shall argue for at least thirteen (13) minutes, but no more than fifteen (15) minutes. The first advocate from each team must argue the first issue stated in the problem. The second advocate from each team must argue the second issue stated in the problem. A bailiff will serve as timekeeper.

Before beginning arguments, counsel for the Appellant may request from the Chief Judge permission to reserve no more than three (3) minutes for rebuttal time. The time may be divided between both advocates at the advocates discretion. The first advocate is the only team member who can request rebuttal time, **BUT** either advocate may use the requested rebuttal time. Only one team member may rebut, however, it does not need to be the first team member.

## 4.2 Courtroom Conduct

No person may advise, instruct, or communicate in any way with any participant during oral arguments. No notes may be passed to a team member while he or she is standing for the purpose of making his or her argument. Team members not participating in the argument shall not sit at counsels' tables.

The two team members participating in the argument for that round **MAY** pass notes for purposes of modifying their counterargument / rebuttal while they are **NOT** presenting their argument. However, this interaction should be minimal and not disruptive to the judges or the team currently presenting their argument.

Two members of a team speak in each round of oral argument. Any two members of a three-member team may speak in each round of oral argument.

## 4.3 Designation of Sides

To the extent possible, a team in the first preliminary round will argue the side for which that team submitted a brief. In the second preliminary round, a team shall argue the side opposite the one the team argued during the first preliminary round. In all subsequent rounds, sides will be determined by a flip of the coin, with at least one (1) representative from each team present. The higher ranked team will call "heads" or "tails." The coin toss will be conducted at the time the advancing teams from the previous round are announced.

## 4.4 Preliminary Rounds

There will be two (2) preliminary rounds before eliminations. Each team will argue once for the Petitioner and once for the Respondent in the preliminary rounds. The eight (8) teams with the highest combination of brief and preliminary round oral argument scores will advance to the quarter-final round.

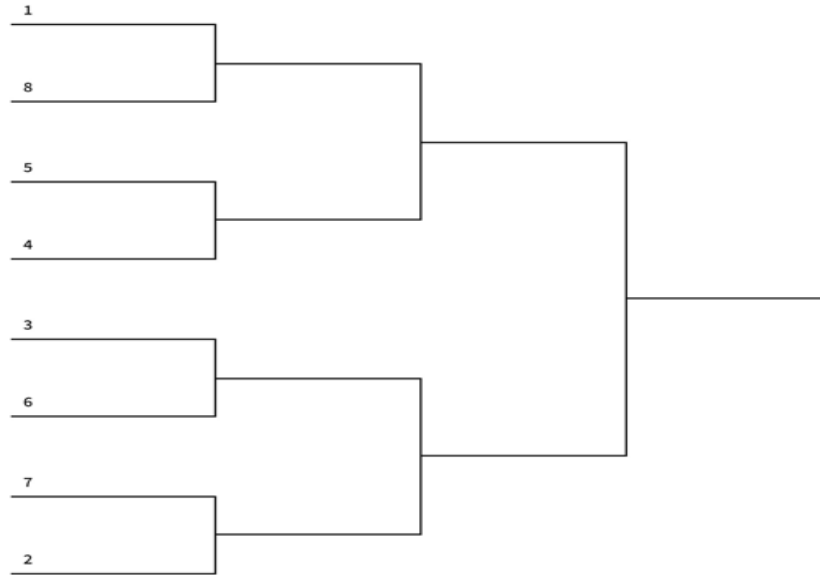
Pairing for preliminary rounds will be decided at random, but no two (2) teams from the same school will argue against one another in the preliminary rounds. The A.J.N.C. will make every effort to ensure that there are an even number of teams competing in the preliminary rounds. If there are an uneven number of teams, the team with the best brief will compete against a "dummy" team and advance to the octo-final round.

## 4.5 Elimination Rounds

After the two (2) preliminary rounds, a team score will be computed. Team scores will consist of 50% brief and 50% oral argument. The eight (8) teams with the highest scores will advance. These eight seeds will be seeded from highest score to lowest score.

Pairings for the quarter-final, and semi-final rounds will be **single elimination** and based upon the initial seeding of teams. The team with the highest score will advance from each round. Elimination round progression is as follows:





Scoring during the quarterfinals will be based on a calculation of 75% judges’ score and 25% brief score. Scoring during the semi-finals will be based on 90% judges’ score and 10% brief score. The finals will be based solely upon the votes of the judges. The team with the highest number of votes will be declared the winner. The winner shall be announced by the Chief Judge.

If a school chooses to send two (2) teams to the Competition, it assumes the risk of having those teams paired against one another if both teams advance to the elimination rounds.

**4.6 Attending Other Arguments**

Prior to elimination from the Competition, no team member, coach, or faculty advisor to a team participating in the Competition may attend any argument of any other team or receive information about such argument from any other person. Only the quarterfinal, semi-final, and final rounds are open to the public. Preliminary rounds are only open to the participating teams at that argument, their coaches/faculty advisors, judges/bailiffs, and the A.J.N.C., as space permits. Failure to observe this rule shall result in disqualification from the Competition. Once a team has been eliminated, they are welcome to observe any of the remaining arguments, provided that space is available.

**5.0 JUDGES AND BAILIFFS**

**5.1 Bailiffs and Time Keeping**

Each argument will have one (1) bailiff. The bailiff is responsible for keeping time at the argument. The bailiff will have no authority other than time keeping. Any questions regarding competition rules should be directed to the A.J.N.C. or Moot Court Faculty Advisor. The bailiff will show the following timecards indicating the minutes remaining in each advocate’s allotted time: “10,” “5,” “2,” and “1.” The bailiff will also hold up a card indicating “TIME” at the conclusion of the advocate’s allotted time. All timecards

will be shown to the advocate and to the judges. Once the “TIME” card has been displayed by the bailiff, the advocate must conclude with his or her argument.

## **5.2 Judging Oral Arguments**

There will be a maximum of three (3) judges per argument, with the exception of the final round. The judges will be given a list of criteria on which to base the scores of all participants. The judges will be informed that each participant is to be judged on an independent basis. Each judge will submit his or her own individual score sheet for each participant, except for the final round. The judges will be informed that scores should be based on oral advocacy skills, without any consideration of the judges’ personal views of the case. At the conclusion of each round, the judges may, at their discretion, make personal comments to the teams concerning the arguments.

## **5.3 Conflicts**

Any questions regarding competition rules, bailiffs, and time keeping, should be directed to the CSOL Moot Court Chair, and will be resolved by the Rules Committee.

## **6.0 AWARDS**

**CHAMPIONS:** The team winning the final round will be the CSOL Moot Court Champion and will be awarded an engraved plaque.

**FINALISTS:** The team advancing to the final round, but not winning the competition, will be the CSOL Moot Court Finalist and will be awarded an engraved plaque.

**SEMI-FINALIST:** The teams advancing to the semi-final round, but not advancing to the final round, will be the CSOL Moot Court Semi-Finalists and will be awarded framed certificates.

**BEST ADVOCATE:** The awards for Best, Second-Best, and Third-Best oral advocate will be presented to the participants with the three highest average oral argument scores in the preliminary rounds. To be considered for an oral advocate award, the advance must argue in both preliminary rounds. The Best advocate will receive an engraved plaque. The Second-Best and Third-Best advocates will receive framed certificates.

**BEST BRIEF:** The awards for Best, Second-Best, and Third-Best brief will be made to the teams with the three highest brief scores. The team receiving the Best brief award will receive an engraved plaque. The Second-Best and Third-Best brief recipients will receive framed certificates.

## **7.0 INTERPRETATION OF RULES**

Any questions regarding the interpretation of these rules must be submitted in writing to the CSOL Moot Court Rules Committee, Charleston School of Law, Moot Court Board, 385 Meeting Street, Charleston, South Carolina 29403, or via email bearing subject line

“CSOL Moot Court Rule Interpretation” to the A.J.N.C. at [csolmootcourt2024@charlestonlaw.edu](mailto:csolmootcourt2024@charlestonlaw.edu). The questions submitted and decisions rendered by the Rules Committee will be promptly given via email to all teams.

## **8.0 PANEL**

Following the completion of the preliminary round, a panel consisting of Appellate Advocates, Experts in Constitutional Law, and prior Competition Coaches will discuss tips and tricks to attacking a Constitutional Law problem as well as a Moot Court Competition brief and argument. This panel will take place in the Charleston Museum Auditorium across the street from the Charleston School of Law at 360 Meeting St. This panel will precede a group dinner where the advancing teams will be announced.

## **9.0 APPENDIX**

### **9.1 Cover Page**

**Docket Number 02-6970**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**Kevin Eberle,**

**Appellant,**

**versus**

**123 Charleston Books, Inc.,**

**Appellee,**

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**BRIEF OF APPELLEE**

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**On Appeal from the United States District Court  
for the District of South Carolina  
Hon. David S. Norton**

*Anonymous Identifier*  
Banias Law Firm

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