

**American Constitution Society**  
**Constance Baker Motley**  
**National Moot Court Competition**  
**in Constitutional Law**  
**2006**

**Oral Argument Rules**

### **Seeding of teams, weighting of scores, and determination of elimination rounds**

1. On Saturday, teams will argue preliminary rounds. Teams will compete in round-robin groups of four teams each. Teams will be seeded into round-robin groups based on brief scores.
2. During the preliminary rounds, no individual match will be repeated. Each team shall argue on-brief at least once and off-brief at least once. Determination of on-brief and off-brief assignments is at the sole discretion of the competition director.
3. Judges shall evaluate each competitor on a 50-point scale and shall also determine which side has won the match. The combination of the two competitors' scores will yield a team score out of a possible 100 points, which shall be used as described in Rule 5 to select the advancing teams.
  - a. Sixty percent of an advocate's score will depend on substantive matters, such as mastery of the legal issues and construction of arguments. The remaining 40% will be determined by stylistic matters, such as organization, eloquence, and courtroom manner.
  - b. Any team forfeiting a round shall be assigned a loss for that round and will score zero points for that round.
  - c. Any team whose opponent forfeits shall be assigned a win for that round. The team's score for that round will be the average of its scores from the remaining rounds.
  - d. Teams may also receive byes, randomly assigned, if the number of teams is odd. A team receiving a bye will be treated as a team whose opponent has forfeited.
  - e. The competitor receiving the highest cumulative point total after the three preliminary rounds shall be named Best Oral Advocate.
4. Selection of the eight teams advancing to Sunday's elimination rounds shall take place as follows.
  - a. The top eight teams with the best win-loss records shall advance. Cumulative score will be used to break ties.
  - b. Cumulative score will be the sum of the three oral argument scores and the brief score. Total points possible will be 400.
5. For the purposes of elimination rounds, teams shall be seeded based on their rankings from the preliminary rounds. Within the confines of this rule, the competition director will try to avoid matching teams from the same school or teams that met in the preliminary rounds. The judges will assign oral argument scores as in preliminary rounds, and they will decide the winner and loser of each match similarly. Brief scores will play no role in deciding the winners of elimination rounds.
6. The eight teams advancing to the quarterfinal rounds shall be announced at the awards reception on Saturday. The four teams advancing to semifinals shall be announced by the chief judge in the rounds (following judges' deliberation in chambers). The two teams qualifying for the final round in June shall be announced during the farewell lunch on Sunday.

### **Oral argument competition rules**

1. Each competitor must speak for a minimum of ten minutes. Each team of two is allotted thirty minutes maximum.
2. Sequencing of speakers: Petitioner, Question 1; Respondent, Question 1; Petitioner, Question 2; Respondent, Question 2; Petitioner, Rebuttal (optional; see Rule 3).
3. Petitioners may, if they wish, deliver a rebuttal after the close of Respondent 2's speech. Either P1, P2, or both petitioners may rebut, regardless of how the time is split between the two, so long as each petitioner has spoken for a minimum of ten minutes.
4. The first petitioner to speak must inform the bailiff of how time will be apportioned between advocates for that side, including any rebuttal time that the petitioner team cares to reserve. The first respondent to speak must likewise inform the bailiff, keeping in mind that respondents do not rebut.
5. Judges may interrupt competitors with questions at any time. Competitors may be required to argue for more than their allotted time at the sole discretion of the judges. If judges choose to extend competitors' speaking time, the extension shall not be deducted from the other speaker's allotment.
6. Competitors must stop speaking when the bailiff calls time; however, competitors may request the judge's permission to finish a sentence or thought, and that permission is granted or denied at the judge's sole discretion. Competitors who continue to speak without the judge's permission will be penalized.
7. No visual aids are allowed. No costumes are allowed.
8. Petitioners may not raise new arguments in rebuttals. Rebuttals are for the sole purpose of responding to issues raised by the respondents.
9. Competitors must be present at their assigned rooms promptly. A penalty of five points will be assessed up to five minutes past the scheduled start time; a penalty of ten points will be assessed up to ten minutes. Competitors who are more than ten minutes late will forfeit that round.
10. No audio or visual recording of rounds, except such recording as authorized by ACS, is allowed.
11. Protests regarding any competition rule must be raised before the beginning of the next round. Teams wishing to protest must deliver a written statement explaining the basis of the protest to the bailiff responsible for the round in question. The bailiff shall deliver the protest to the Chief Bailiff, who is responsible for resolving the protest in the first instance. Final adjudication of protests is at the sole discretion of the competition director.

12. Competitors may not speak to the judge before the round. At their sole discretion, judges may provide competitors with a brief oral critique after the round has concluded. Any such critique must take place in the presence of both teams. Competitors must preserve their anonymity with respect to the judge(s) and may not reveal their school of origin in any way, including via apparel, jewelry, briefcases or bags, notebooks or notepads, or spoken comments.
13. Competitors who are not selected to participate in Sunday's elimination rounds are welcome to observe the quarterfinal and semifinal rounds on Sunday. Competitors are warned that observers may be present at any and all of their rounds. This will be especially true of the semifinal round on Sunday. Competitors are warned that Sunday's semifinal rounds will be videorecorded.
14. Awards include:
  - a. Best oral advocate (highest cumulative score after three preliminary rounds; brief score breaks a tie)
  - b. Best brief, petitioner
  - c. Best brief, respondent
  - d. Quarterfinalists and semifinalists shall receive plaques in recognition of their achievement. Finalists shall receive awards at the Final Round at the ACS National Convention on Thursday, June 15, 2006.