

TYLA State Moot Court Competition Rules

Chapter 1. General.

§ 1.01 Name and Sponsorship.

The State Moot Court (“SMC”) Competition is sponsored annually by the Texas Young Lawyers Association (“TYLA”) for law schools in Texas. The competition is held in conjunction with the annual meeting of the State Bar of Texas.

§ 1.02 State Moot Court Committee.

The TYLA President will appoint a SMC Committee to conduct the competition.

§ 1.03 Mailing of Documents.

- (a) Under these rules, a document includes briefs and any correspondence with the TYLA office or the SMC Committee.
- (b) A document is filed by delivering it to the SMC Coordinator at the TYLA office, with a copy delivered to each team. The copy may be sent by email to each team contact.
- (c) A document received within 10 days after the filing deadline is considered timely filed if:
 - (1) it was sent to the SMC Coordinator at the TYLA office by United States Postal Service first-class, express, registered, or certified mail;
 - (2) it was placed in an envelope or wrapper properly addressed and stamped; and,
 - (3) it was deposited in the mail on or before the last day for filing.
- (d) Proof of Mailing. Though it may consider other proof, the SMC Committee will accept the following as conclusive proof of the date of mailing:
 - (1) A legible postmark affixed by the United States Postal Service;
 - (2) A receipt for registered or certified mail if the receipt is endorsed by the United States Postal Service; or
 - (3) A certificate of mailing by the United States Postal Service.
- (e) A document shall be considered mailed on the date it is received unless a team can provide proof of mailing as outlined in § 1.03(d).

- (f) If the deadline for sending a document falls on a Saturday, Sunday, or legal holiday, the time for sending the document shall be extended to the end of the next day that is not a Saturday, Sunday, or legal holiday.
- (g) Each document must contain a certificate that it has been served on all participating teams and the SMC Coordinator. The certificate should identify the team by only its team number.
- (h) The SMC Coordinator will provide each team with address and e-mail of the TYLA office, and the name, address, and e-mail of each team contact.

§ 1.04 Coaches' Meeting.

Before the commencement of the first preliminary round, the SMC Committee will have a coaches' meeting to discuss procedures and rules. At least one representative from each participating law school should attend the meeting.

§ 1.05 Conduct.

The conduct of all participants in the competition shall be governed by the standards set out in the Texas Disciplinary Rules of Professional Conduct, the Code of Judicial Conduct, and the Texas Lawyer's Creed.

Chapter 2. Teams.

§ 2.01 Selection.

- (a) Each Texas law school may enter one team in the competition. A team shall consist of two or three law students.
- (b) The team selected in subsection (a) shall both write the brief and compete in the oral competition. A team consisting of three law students, however, is not required to enter all three team members in the oral competition.
- (c) There shall be no substitution in the membership of a team except for good cause such as death, illness, or other similar circumstances as determined by the SMC Committee. A team must obtain written approval from the SMC Committee in order to substitute a team member after the brief is filed.

§ 2.02 Law Students.

For the purposes of these rules, a law student is a person enrolled at the participating law school during the spring or summer of the year of the competition. Only students who are candidates for a juris doctor degree may compete, except that students graduating in the spring semester or quarter are still eligible to compete.

§ 2.03 Team Numbers.

The SMC Committee will assign each team a number selected by lot. This team number will be the sole method for identifying the team in the oral competition.

§ 2.04 Assistance.

Because the purpose of this competition is educational, a team may receive assistance in preparing its brief as long as the brief is primarily the work product of the two or three team members who are selected for the competition pursuant to § 2.01(a). Teams are encouraged to seek assistance in preparing for the oral arguments.

Chapter 3. Moot Court Problem.

§ 3.01 Distribution and Content.

- (a) The problem for the competition will be distributed during January or February of each year. It will consist of a court of appeals opinion and such other parts of the record as the SMC Committee may deem necessary to give the participants a complete understanding of the case.
- (b) The problem will deal with matters of current and general interest. The persons and events depicted in the problem are purely fictional and are prepared solely for the educational exercise being conducted in this competition. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

§ 3.02 Court.

In even-numbered years, the problem will be a civil cause before the Texas Supreme Court. In odd-numbered years, the problem will be a criminal cause before the Texas Court of Criminal Appeals.

Chapter 4. Briefs.

§ 4.01 Civil Year Problem: Briefs before the Texas Supreme Court.

- (a) In even-numbered years, each team shall prepare and submit a brief on the merits for either the Petitioner or the Respondent. Each team may choose the side it wishes to represent.
- (b) This is a final brief and no supplemental briefs will be allowed.
- (c) Form:
 - (1) Briefs shall be in the form used in the Texas Supreme Court.
 - (2) Briefs shall conform to Texas Rule of Appellate Procedure 9.4, unless specifically provided otherwise by these rules. Briefs must be computer-generated for the purposes of the word count limitations

found in Rule 9.4. Briefs shall also include the certification required by Rule 9.4(i)(3).

- (3) Both Petitioner and Respondent briefs must comply with the requirements of Texas Rule of Appellate Procedure 55.2, except that the items identified in subsection (a) and (e) of Texas Rule of Appellate Procedure 55.2 need not be included. The provisions of Texas Rule of Appellate Procedure 55.3 (pertaining to the Respondent's brief) do not apply.

§ 4.02 Criminal Year Problem: Briefs before the Texas Court of Criminal Appeals.

- (a) In odd-numbered years, each team shall prepare and submit a brief for either the Appellant or the Appellee. Each team may choose the side it wishes to represent.
- (b) This is a final brief and no supplemental briefs will be allowed.
- (c) Form:
 - (1) Briefs shall be in the form used in the Texas Court of Criminal Appeals.
 - (2) Briefs shall conform to Texas Rule of Appellate Procedure 9.4, unless specifically provided otherwise by these rules. Briefs must be computer-generated for the purposes of the word count limitations found in Rule 9.4. Briefs shall also include the certification required by Rule 9.4(i)(3).
 - (3) Both Appellant and Appellee briefs must comply with the requirements of Texas Rule of Appellate Procedure 38.1, except that subsection (a) need not be included. The provisions of Texas Rule of Appellate Procedure 38.2 (pertaining to the Appellee's brief) do not apply.

§ 4.03 Style.

The Committee recommends that teams rely on the most recent edition of the Texas Law Review's Manual on Usage & Style.

§ 4.04 Distribution.

- (a) The SMC Committee will set a deadline for filing the briefs.
- (b) Each team shall mail the original and three copies of its brief and email a copy of its brief (in Word format) to the SMC Coordinator. Each team shall also send one copy of its brief to each of the other participating

teams. The copy to the teams may be emailed to each team contact. If the brief is being delivered by email to the other teams, the emailing team must obtain confirmation of receipt of the brief by the other teams.

§ 4.05 Brief Identification.

- (a) Original Brief: The name of the law school, the team number, and the names of the team's members shall be printed in the lower right hand corner of the cover of the original brief.
- (b) Copies: The team's number shall be printed in the lower right hand corner of the cover of the copies. No other identification of the team or team members shall appear on the cover.
- (c) Briefs shall not be signed, and no matter serving to identify a law school or its team members shall appear within the brief itself.

§ 4.06 Penalties.

- (a) A violation of any of the rules governing briefs will result in either a ranking penalty or disqualification from the competition.
- (b) The following specific penalties shall be strictly enforced:
 - (1) Loss of one brief ranking position per brief judge for each 24-hour period, or part thereof, the brief is filed late with the SMC Coordinator or served on another team (this penalty is cumulative);
 - (2) Loss of one brief ranking position per brief judge for each increment of 300 words in excess of the maximum length;
 - (3) Loss of three brief ranking positions per brief judge for placement of the law school or team members' names inside the brief; and,
 - (4) Loss of one brief ranking position per brief judge for failing to comply with §§ 4.05 (a) and (b).
- (c) Assessment of other brief ranking penalties will be determined by the SMC Committee.

§ 4.07 Protests.

- (a) A protest against another school's brief must be emailed to the SMC Coordinator on or before the fifth day after the date the brief was filed. The protest must be specific about the complaint being lodged.
- (b) The team on which the protest is lodged may respond. Any such response must be emailed to the SMC Coordinator on or before the fifth day after the date the protest was emailed.

- (c) All teams will be notified of the SMC Committee's action before the commencement of the competition.

§ 4.08 Judging.

- (a) The SMC Committee will select a panel of three lawyers to judge the briefs. Knowledge of the law and persuasiveness will be the primary standards in grading, but form, style, and appearance will also be considered.
- (b) The SMC Committee will provide the panel with brief grading instructions and a brief ballot with a maximum of 100 ballot points. Grading will be anonymous with each brief identified only by a team number.
- (c) Each judge will rank the briefs from best (number one) to worst (number nine or the total number of participating teams, if different). These three numbers will serve as brief rankings after any applicable ranking penalties have been deducted. There shall be no ties between briefs before penalties are imposed.

Chapter 5. Oral Arguments.

§ 5.01 Participants.

No more than two team members shall participate in each round of oral argument. A team may vary which members shall argue from round to round.

§ 5.02 Judges.

The SMC Committee will select lawyers to serve as oral argument judges. Judges will not be furnished copies of the teams' briefs before judging their respective rounds. Instead, the SMC Committee will prepare a bench brief for the judges' use.

§ 5.03 Time.

- (a) Oral argument will be limited to a total of 30 minutes per team. No team member may speak for more than 17 minutes of the allotted 30 minutes, including rebuttal. The Petitioner (Appellant) may reserve up to a maximum of five minutes for rebuttal.
- (b) The judges may, in their sole discretion, extend any speaker's time.

§ 5.04 Decisions.

- (a) All preliminary rounds will have at least three judges per room, and SMC Committee members may judge, if necessary. If a preliminary round has more than three judges, after the round begins and before the round ends the SMC Co-Chairs will randomly select a judge or judges ballot(s) will

not count for the round, and the teams will be informed. The semifinal round will have at least five judges per room, and the final round will have a panel of at least five judges. If an elimination round has an even number of judges, after the round begins and before the round ends, the SMC Co-Chairs will select a judge whose ballot will not count for the round, and the teams will be informed.

- (b) A team may receive a maximum of 12 points per round: nine possible points for oral argument and three possible points for the brief.
 - (1) A team will receive one brief point every time a brief judge ranked its brief higher than the opposing team's brief.
 - (2) A team will receive three points for each oral argument ballot cast in its favor by a three-judge panel; 1.8 points for each ballot on a five-judge panel; 1.286 points for each ballot on a seven-judge panel; and one point for each ballot on a nine-judge panel.
- (c) The winning team on a judge's ballot will be the team with the highest total number of speaker points.
- (d) The winner of the round will be the team with the highest number of oral argument and brief points for that round. In the event of a tie, the winner of the oral argument ballots will be declared the winner of the round.
- (e) The Chief Justice (Presiding Judge) of each round will announce the winner after the points have been tabulated by the SMC Committee.

§ 5.05 Preliminary Rounds.

- (a) The preliminary competition will consist of a round robin in which each team will compete against every other team once.
- (b) The SMC Committee will distribute the bracket to the teams no later than the coaches' meeting.
- (c) A forfeiture will be counted as a win for the non-forfeiting team. The winning team will receive for that round the average of its total accumulated points in the preliminary rounds, including speaker points. The losing team will receive the average of its total accumulated points in the preliminary rounds, including speaker points, less six points from the average of the oral argument and brief point total as a penalty.

§ 5.06 Elimination Rounds.

- (a) Four teams will be selected on the basis of their performance in the preliminary competition to advance to the elimination rounds.
- (b) The higher seeded teams in the semifinal and final rounds will have the choice of which side they prefer to argue in the elimination rounds and shall indicate their choice in writing.
- (c) The four teams with the highest total number of accumulated points as determined in accordance with § 5.04(b) will advance to the semifinal round.
- (d) In the event of a tie for any of the four positions in the semifinal round, the basis for selection in order of priority will be the teams with:
 - (1) The best win-loss record;
 - (2) The highest total number of accumulated speaker points;
 - (3) The highest total number of brief points as determined in accordance with § 5.04(b)(1); and,
 - (4) The lowest total number of speaker rankings. A speaker ranking is the position (first through fourth) each speaker placed among all four speakers on a judge's ballot.
- (e) Pairings in the semifinal round will be power-protected. The team with the best record as determined in accordance with subsections (c) and (d) shall compete against the team with the fourth best record, and the team with the second best record shall compete against the team with the third best record.
- (f) The winning teams of the semifinal round will advance to the final round, and the winning team of the final round will be declared the winner of the competition.

§ 5.07 Bailiffs.

- (a) Each team shall furnish a bailiff for each round.
- (b) Bailiffs will be briefed by the SMC Committee and furnished with written instructions.
- (c) The bailiffs shall:
 - (1) Distribute ballots to the judges before the round;
 - (2) Serve as timekeepers for the round and hold up cards indicating the amount of time remaining in the argument;

- (3) Pick up the ballots after the judges have voted and jointly review the judges' mathematical calculations to ensure the accuracy of the calculations, except for the semifinal round and the final round;
 - (4) Take the ballots to the SMC Committee for tabulation; and,
 - (5) After tabulation, carry the decision back to the Chief Justice (Presiding Judge) of the round.
- (d) The bailiff for the Petitioner (Appellant) shall serve as timekeeper when the Petitioner (Appellant) is speaking. The bailiff for the Respondent (Appellee) shall serve as timekeeper when the Respondent (Appellee) is speaking.
 - (e) After the ballots are reviewed by the bailiffs and delivered to the SMC Committee, the SMC Committee will not consider any protests regarding mathematical errors in a judge's ballot.
 - (f) If a team would suffer an unreasonable financial burden by complying with this section, the team may request, no later than the deadline for filing the briefs, that the SMC Committee furnish a bailiff for the requesting team. The SMC Committee has the discretion to grant or deny any such request.
 - (g) A bailiff furnished by the SMC Committee in accordance with subsection (f) will be treated as if the bailiff had been furnished by the team.

§ 5.08 Anonymity of Teams.

- (a) The SMC Committee will not disclose the law school affiliation of teams to the judges until after the oral ballots have been returned to the SMC Committee.
- (b) Communications by teams.
 - (1) A team shall not communicate with the judges before the judges enter the competition room.
 - (2) A team and its bailiff are specifically prohibited from identifying the law school the team represents.
 - (3) All public postings of team pairings will use team numbers, not law school names.

Chapter 6. Awards.

§ 6.01 General.

The State Moot Court Committee will present the following awards:

- (a) First Place Team;
- (b) Second Place Team;
- (c) Best Advocate;
- (d) Second Best Advocate;
- (e) Third Best Advocate;
- (f) Best Brief;
- (g) Second Best Brief; and,
- (h) Third Best Brief.

§ 6.02 First Place.

The first place award will go to the law school whose team wins the final round. In addition, each team member will receive an individual award.

§ 6.03 Second Place.

The second place award will go to the law school whose team loses the final round.

§ 6.04 Best Advocate.

- (a) The best advocate award will go to the speaker who receives the highest average number of speaker points in the preliminary rounds (the total number of speaker points divided by the number of rounds the speaker argued).
- (b) In the event of a tie for best advocate, the speaker with the lowest average of speaker rankings in the preliminary rounds (the total number of speaker rankings divided by the number of rounds the speaker argued) will receive the best advocate award.
- (c) If there is still a tie for best advocate after applying subsection (b), all speakers who are tied will receive the best advocate award.
- (d) A speaker must argue in at least three rounds to be eligible for the best advocate award.
- (e) The second and third best advocate awards will be determined by the same method for determining best advocate.

§ 6.05 Best Brief.

- (a) The best brief award will go to the law school whose team's brief has the lowest total brief rankings after any penalties are assessed.

- (b) In the event of a tie for best brief, the award will go to all the law schools whose teams are tied.
- (c) The second and third best brief awards will be determined by the same method for determining best brief.

Chapter 7. Interpretation and Amendment.

§ 7.01 Interpretation of Rules and Problem.

All requests for interpretation of the rules or problem must be emailed no later than six weeks before the deadline for filing the briefs. All requests shall be emailed to the SMC Coordinator.

§ 7.02 Amendment of Rules.

The rules may be amended by a majority vote of the SMC Committee.

§ 7.03 Timing and Notice of Interpretations and Amendments.

All interpretations of the rules (or amendments to the rules) or problem will be emailed to the participating teams no later than four weeks before the deadline for filing the briefs.