UPPER LEVEL
AMES MOOT COURT
COMPETITION

2015-2016
QUALIFYING ROUND RULES

ADMINISTERED BY THE
BOARD OF STUDENT ADVISERS

DIRECTOR, AMES COMPETITIONS: AMANDA LEVINE
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AMES MOOT COURT QUALIFYING ROUND COMPETITION RULES
HARVARD LAW SCHOOL
FALL 2015

The Upper Level Ames Moot Court Competition (the “Competition”) takes place in three stages, each of which is organized and administered by the Board of Student Advisers. The first stage, the Qualifying Round, is governed by these Rules. The Qualifying Round consists of two phases. In the First Phase, all teams participating in the Qualifying Round must submit an appellant brief in accordance with these Rules. In the Second Phase, only those teams that exceed a certain score on their appellant brief will participate; these teams will be required to submit appellee briefs and participate in oral arguments in accordance with these Rules. These Rules also apply to the entire Competition to the extent that they establish conditions of participation in later stages.

Questions about the Qualifying Round should be directed to Amanda Levine, the Board of Student Advisers Director of the Ames Competitions, and Andres Salinas, the Chair of the Ames Qualifying Round Committee (together, the “Chairs”) at the official Ames email address: ameshls@gmail.com. If for any reason this email address is unresponsive, the Chairs may also be reached at their personal email addresses: alevine@jd16.law.harvard.edu and asalinas@jd16.law.harvard.edu.

I. GENERAL RULES

A. Team Members

1. Eligibility. Any current second-year law student in residence and academic good standing at Harvard Law School is eligible to participate in the Qualifying Round, including students admitted to the Law School with advanced standing as second-year students. Students in joint degree programs cannot participate in the Qualifying Round while not enrolled in Harvard Law School classes. These students are eligible only in the first year in which they are enrolled in Law School courses after their first year in law school. A student may participate in the Competition only once.

2. Registration. All teams must register online through a link available on the BSA website: http://www3.law.harvard.edu/orgs/bsa/all-about-ames.

3. Number. Each team participating in the Qualifying Round shall identify four (4) members on its registration form. If any team member resigns, the team may substitute a replacement in accordance with the team withdrawal and team member replacement policy set forth in Section I.A.5. The deadline for withdrawing from the Qualifying Round or replacing team members is noted on the Qualifying Round Schedule.

Each team that advances to the Semi-Final Round of the Ames Competition (the “Semi-Final Round”) shall add two (2) members to its roster so as to compete with a total of six (6) members. Individuals must have submitted an appellant brief as part of the First Phase of the Qualifying Round in order to be eligible for addition to the roster of a team advancing to the Semi-Final Round.

4. Captains. Each team must designate one (1) of its members as the Team Captain. The Team Captain must give the Chairs a phone number and e-mail address where he or she may be reached. The Chairs will accept communications or questions only from the Team Captain.
5. Team or Team Member Withdrawals from the Competition and Team Member Replacements. The Qualifying Round Schedule sets out the date by which teams must give notice of their intent to withdraw from the Competition or to replace a team member (the “Withdrawal/Replacement Deadline”). If a team member resigns prior to the Withdrawal/Replacement Date, the team may substitute a replacement so long as the new team member’s name is submitted by e-mail to the Chairs no later than the Withdrawal/Replacement Deadline. An entire team may withdraw from the Competition so long as the team has given the Chairs emailed notice of its decision to withdraw no later than the Withdrawal/Replacement Deadline. Any team that lacks four (4) members as of the Withdrawal/Replacement Deadline shall be deemed withdrawn from the Competition.

Replacement of team members or withdrawal of a team after the Withdrawal/Replacement Deadline will be permitted only in extraordinary circumstances established to the satisfaction of the Chairs.

The Ames Moot Court Competition is a serious academic activity at Harvard Law School. Any participant who resigns after the Withdrawal/Replacement Deadline will be referred to the Harvard Law School Administrative Board (the “Administrative Board”), and his or her team will be required to compete in the Qualifying Round with only three (3) members. In such event, one member of the team will be required to argue an issue as part of both an appellant pair and an appellee pair, participating in a total of four different arguments. If a team with only three (3) members progresses to the Semi-Final Round, such team shall be entitled to add three (3) new team members at that stage. A team may not compete with fewer than three (3) members.

All members of a team that withdraws from the Qualifying Round after the Withdrawal/Replacement Deadline will be disqualified from participation in the Semi-Final and Final Rounds of the Competition. Under certain circumstances, the entire team may be referred to the Administrative Board. Any other participant that individually withdraws from the Qualifying Round after the Withdrawal/Replacement Date will also be disqualified from participation in the Semi-Final and Final Rounds of the Competition.

6. Failure to Appear at Oral Arguments. This provision applies to teams that advance to the Second Phase of the Qualifying Round.

The Ames Moot Court Competition is a serious academic activity at Harvard Law School. If any individual fails to appear at his or her scheduled oral argument, he or she will be referred to the Administrative Board and will be disqualified from the Semi-Final and Final Rounds of the Competition. In addition, the BSA will not certify that such individual has completed the prerequisites for receiving Written Work Requirement credit for his or her Qualifying Round brief.

If any pair does not appear for an oral argument, the entire team will be disqualified from the Semi-Final and Final Rounds of the Competition. Under certain circumstances, to be determined by the Chairs, such team may also be referred to the Administrative Board. For the avoidance of doubt, such team must still appear and participate in any remaining scheduled oral arguments.
In consultation with the Dean of Students, the Chairs will address situations of true emergency on a case-by-case basis.

7. **Good-Faith Effort.** Every participant is required to make a good-faith effort in the preparation of briefs and participation in oral arguments. The BSA will refuse to certify that a participant’s brief satisfies the prerequisites for receiving Written Work Requirement credit if the Chairs conclude that the participant has failed to demonstrate such a good-faith effort.

**B. Team Organization**

1. **Pairs.** Each team shall consist of four (4) members. If a team advances to the second phase of the Qualifying Round by scoring a sufficiently high score on its appellant brief, it shall designate one (1) pair of two (2) students as the appellant pair (A) and one (1) pair as the appellee pair (B).

2. **Responsibilities of Team Members.** Each team will write one (1) appellant brief. If a team advances to the Second Phase of the Qualifying Round by scoring a sufficiently high score on its appellant brief, the team will write two (2) appellee briefs in response to the briefs submitted by two (2) other appellant teams. The team’s appellee pair will participate in two (2) oral arguments against those appellant teams. Upon submission of the appellee briefs, the team will also receive the briefs of two (2) different appellee teams, and the team’s appellant pair will participate in two (2) oral arguments against those teams.

Each individual on the team may consult on and assist with the preparation of any of the team’s briefs.

**C. Research and Outside Assistance**

1. **Outside Assistance.** The Qualifying Round is a team endeavor. No team member may consult with or receive assistance or suggestions from any person not on his or her team with respect to any aspect of the Qualifying Round. Thus, no team member may consult with or receive assistance or suggestions from any other person, including any individual that a team intends to add or is considering for addition to its team if the team advances to the Semi-Final Round. Any team that violates this rule will be disqualified from the entire Competition and the individuals involved may be referred to the Administrative Board for academic dishonesty.

2. **“Off-Limits” Materials.** Teams may not read, consult, or use briefs prepared as part of any previous Competition or moot court, with the exception of example materials posted on the BSA website. Teams also may not read, consult, or use briefs prepared for actual practice, or oral arguments from either moot court or actual practice that are based on the same or substantially similar facts or issues as presented in their case. Additionally, teams may not consult or request assistance in any form from individuals who participated in previous Competitions.

Team members may not consult or use in any manner the opinions, or any other primary or secondary sources related to a case if the Record specifically indicates that the case is off-limits. The Chairs may also designate additional materials as “off-limits.” Any
questions about the use of such materials should be directed to the Chairs.

3. **Research.** Only materials generally available in the Harvard University library system may be used. The use of LEXIS, Westlaw, and the Internet is permitted.

4. **Effective Dates.** Rules 1–3 of Section I.C are in full force and effect from the date and time that the Qualifying Round Record is made available for distribution to the date and time that the last scheduled oral argument of the Qualifying Round is completed.

**D. Changes to and Clarifications of the Record or Rules**

1. **Questions on the Record.** Team Captains must submit any questions regarding the Record to the Chairs by the deadline stated in the Qualifying Round Schedule. Only the designated Team Captain may submit questions. The Chairs do not have authority to answer substantive questions about the Record. Rather, the Chairs will forward all questions about the Record to the Record Writer, who will then provide the Chairs with answers. The Chairs will submit to Teams Captains a list of every question received from the participants along with the responses. Questions submitted after the deadline will not be answered.

2. **Changes of the Record.** If the Record Writer chooses to amend the Record for any Qualifying Round case, teams will be given notice of the amended Record and will receive a revised copy of the Record in their Qualifying Round Mailbox outside of the Board of Student Advisers Office or by e-mail. Judges will receive the revised Record with no indication that the Record has been amended.

3. **Questions on the Rules.** Teams must submit any questions regarding the Rules to the Chairs by the deadline stated in the Qualifying Round Schedule. The Chairs have the exclusive authority to answer questions regarding the Rules. With respect to each submitted question regarding the Rules, the Chairs have the discretion to answer or refuse to answer. The Chairs will submit to Teams Captains a list of every question received from the participants along with the responses. Questions submitted after the deadline will not be answered.

**II. BRIEFS**

A. **Format**

1. **Components.** Briefs must include all of the following:
   a. A cover page
   b. A table of contents and a table of cited authorities
   c. Questions presented for review. The questions must appear on a separate page before the statement of facts.
   d. A statement of facts
   e. A statement of the basis for jurisdiction in this court.
f. A summary of the argument.

g. The argument, exhibiting clearly the points of fact and of law presented and citing the authorities and statutes relied on.

h. A conclusion specifying with particularity the relief the party seeks.

i. Signature of counsel

   i. Note: For appellant briefs, in place of a signature, the team should include their team number to ensure confidentiality. Student names should not appear anywhere or in any form on the appellant brief.

j. To the extent that the case substantially involves the application or interpretation of a statutory or constitutional provision, each team shall reproduce the relevant provision in its brief or provide an appendix including a reproduction of such provision.

2. Covers.

a. Paper Color. Covers for appellants’ briefs must be blue. Covers for appellees’ briefs must be red.

a. Components. The brief shall bear on its cover all of the following:

   i. the court

   ii. the docket number

   iii. the names of parties

   iv. designation of parties (i.e. appellant/appellee)

   v. team number (followed by “A” or “B” to designate the pair as appellant or appellee)

The cover page for the appellant brief may not contain any reference to team members’ names. Appellee briefs must include the aforementioned information along with the time, place, and date of oral argument. Unlike appellant briefs, appellee briefs must include the names of the team members who will argue in support of the brief.

3. Length. Each brief shall have a maximum of 4,500 words, excluding: (1) the cover page, (2) the table of contents, (3) the list of authorities, (4) the questions presented, (5) the statement of jurisdiction, (6) headings identifying a section of the brief (i.e., “Statement of Facts”), and (7) any appendix consisting of a verbatim reproduction of constitutional, statutory, and/or regulatory provisions. At their discretion, the Chairs may assess against the word limit any material found within one of the above excluded sections that the judges conclude is not appropriate material for that section.

4. Footnotes, Headings, Etc. Participants may choose to use footnotes, headings, and/or
subheadings. Footnotes, headings, subheadings and all other words found within the brief, including the signature block, count toward the word limit, unless they form a part of one of the excluded sections listed in Section II.A.3.

5. **Citations.** Citations should follow the guidelines set forth in the Twentieth Edition of the Bluebook. Parallel citations are **not** required. In the event that a brief cites materials that can be found only on the Westlaw and/or LEXIS services, the citation shall include a reference to at least one of the services where the material can be found.

**B. Applicable Laws**

1. **State of Ames.** In the event that a case is set in the State of Ames, the State of Ames shall be considered a 51st state of the United States. In the event that a case is heard by the Court of Appeals for the Ames Circuit, the Circuit shall be considered a federal, regional appellate circuit of the United States that embraces the State of Ames.


**C. Submission**

1. **Time and Place.** All briefs must be submitted by the time and date noted on the Qualifying Round Schedule. The official clock for the Qualifying Round is the clock located inside the Board of Student Advisers Office, WCC 2051. This Office will be open during the times that briefs are to be filed. Late briefs will be subject to the penalties set out in Section V. The Team Captain of any team filing a late brief shall contact the Chairs to arrange a time for submission of the briefs.

2. **Number of Briefs.** Teams shall submit to the Board of Student Advisers Office the following number of briefs in accordance with the deadlines specified in the Qualifying Round Schedule:

   a. All participating teams must submit twelve (12) copies of their appellant briefs.

   b. Teams that advance to the Second Phase of the Qualifying Round must submit (6) copies of the first appellee brief and six (6) copies of their second appellee brief.

3. **Electronic Submission.** In addition to the required hard copies specified in Section II.C.2, each team shall e-mail a complete, Word-formatted electronic copy of each brief to the Chairs by the deadline for the brief specified in the Qualifying Round Schedule. The BSA will use the electronic version, among other things, to verify that the briefs comply with the word count limits set forth in Section II.A.3. The Chairs may also e-mail briefs to the judges.

   The Chairs will report any team that submits electronic versions that do not conform to the hard copies of its briefs to the Administrative Board. The Chairs may also disqualify any team submitting non-conforming electronic versions from the Competition or impose any other penalty that the Chairs find appropriate.
4. Distribution of Opposing Counsels’ Briefs. Teams advancing to the Second Phase of the Qualifying Round will receive copies of their opposing counsels’ appellant briefs by the date and time specified on the Qualifying Round Schedule. Copies will be placed in each team’s qualifying round mailbox, located in the hallway outside of the Board of Student Advisers Office.

D. Future Distribution of Briefs

All submitted briefs become the property of the Board of Student Advisers. The Board may, at its discretion, use the Qualifying Round briefs for its own purposes, including as anonymous sample briefs that may be read by other participants.

E. Writing Requirement

Qualifying Round briefs may be used to help satisfy the Harvard Law School written work requirement as determined by the Registrar’s office. For more information about using the briefs in this capacity, please visit http://www.law.harvard.edu/academics/writing/faq.html or contact the Registrar’s office.

III. ORAL ARGUMENT

A. Length

Each side will be allocated thirty-five (35) minutes for oral argument. Appellants may reserve up to five (5) minutes of this time for rebuttal. No oralist may speak for more than twenty (20) minutes.

B. Citation

Each participant may cite and discuss at oral argument any case or publication, except those deemed “off-limits” in Section I.C.2, regardless of whether such case or publication is cited in the Record or in any of the briefs prepared by the teams. Participants must bring to the oral argument a verbatim reproduction of any materials discussed in oral argument but not cited within the briefs. Participants will not be permitted to present additional briefing.

C. Judging Panels

As far as possible, a law school faculty member, a practicing attorney, and a member of the Board of Student Advisers or other student judge will judge each argument. Changes to judging panels can be made by the Chairs at any time prior to the arguments.

D. Argument Attendance

No participant may attend any oral argument other than the two in which he or she participates. Guests are not permitted to attend oral arguments.

IV. ADVANCING TO THE SEMI-FINAL ROUND

A. Individual Argument Scoring
1. **Scores for Appellant Briefs.** The appellant briefs will be scored on a scale of 0–100 by a team of students on the Board of Student Advisers. Scoring for appellant briefs will be done anonymously.

2. **Scores for Appellee Briefs.** For each argument, each presiding judge will score the appellee brief on a scale of 0–100. The Chairs will average all judges’ brief scores to determine each appellee pair’s Appellee Brief Score.

3. **Scores for Oral Advocacy.** For each argument, each presiding judge will score each oralist on a scale of 0-100. For each pair, the Chairs will average all judges’ oral argument scores to determine the pair’s Oral Advocacy Score.

4. **Scoring Guidelines.** The Chairs may choose to distribute to presiding judges guidelines regarding the scoring of briefs and arguments. Copies of the scoring guidelines for each type of brief will be distributed to the teams along with the case Record.

5. **Complaints about Scores.** Scoring decisions are committed to the discretion of each judge. The scores, as calculated and verified by the Chairs, are final.

6. **Scoring in Case of a No-Show.** If a team or pair fails to appear for oral argument, the Chairs may choose either to require the appearing team or pair to argue without opponent for a score, or may reschedule the argument at a different date and time. The team of any pair that does not appear for oral argument will be disqualified from the Semi-Final and Final Rounds of the Competition, but must appear to participate in any remaining oral arguments, including rescheduled arguments.

**B. Team Scoring**

1. **Overall Score.** A team’s Overall Score is the sum of the team’s Brief Scores and both pairs’ Oral Advocacy Scores. The maximum possible Overall Score is 400.

2. **Penalties.** Penalties assessed against a team shall be subtracted from the team’s Overall Score.

**C. Selection of Advancing Teams**

1. **Number.** The four (4) teams with the highest Overall Scores will advance to the Semi-Final Round.

2. **Ties.** In the case of a tie, a team will advance based on the following criteria:

   a. Highest combined Brief Scores; if a tie remains, then . . .

   b. Highest appellant Brief Score, if a tie remains, then . . .

   c. Highest appellee Brief Score excluding the teams’ highest and lowest scores from individual judges.

If a tie cannot be broken in this manner, the Chairs will select a panel, depending on the substance of the problem, of no less than two (2) HLS faculty members to select one of the tying teams to advance to the Semi-Final Round based only on the briefs.
3. **Effect of Qualifying Round Scores on Semi-Final Round Assignments.** The Chairs will assign advancing teams to Semi-Final arguments on the basis of their scores in the Qualifying Round. The highest scoring team shall oppose the lowest scoring team in one of the two Semi-Finals, and the remaining two teams shall oppose one another in the other Semi-Final. The Chairs will not disclose any team’s ranking in the Competition or the basis on which it was seeded in the Semi-Final Round.

**D. Distribution of Team Scores**

Team Captains may pick up a copy of their team’s brief scores from the Chairs after the BSA has completed all scoring for both phases of the Qualifying Round. The Chairs will announce, by e-mail, when scores are available for pick-up.

No team will be given information about any other team’s scores or about overall team rankings. Team Captains are responsible for distributing to other team members the team’s Brief Scores and Oral Argument Scores. At the Chairs’ discretion, team scores may also be distributed electronically to the relevant individual (in the case of oral arguments) or team captain (in the case of briefs).

**V. PENALTIES**

**A. Cover Page Information**

Teams failing to provide all, or the accurate, cover page information will be penalized five (5) points per oral argument for which incomplete or inaccurate information was submitted.

**B. Insufficient Number of Briefs**

Teams turning in an insufficient number of briefs will be penalized five (5) points per missing brief (e.g., a team whose Appellant pair turns in four (4) briefs, rather than the twelve (12) required, will be penalized 40 points).

**C. Late Briefs**

Any team submitting its briefs after the deadline set out in the Qualifying Round Schedule but within thirty (30) minutes of the deadline will be penalized ten (10) points. Any team submitting its briefs thirty-one to sixty (31–60) minutes after the deadline will be penalized an additional ten (10) points. Any team submitting its briefs more than sixty (60) minutes after the deadline will be penalized an additional twenty (20) points, for a total of forty (40) points. Any team that does not submit its briefs within twenty-four (24) hours after the due date shall be disqualified from the Qualifying Round. The Chairs may choose to require any such team to appear at and participate in its scheduled oral arguments.

In consultation with the Dean of Students, the Chairs will address situations of true emergency on a case-by-case basis. Under **absolutely no circumstances** will the Chairs make any exceptions to this late penalty policy for technological or electronic difficulties of any kind, including but not limited to computer problems, printing problems, and/or electrical outages on or off campus.

**D. Excessive Length**
Teams turning in briefs in excess of the word count limits set out in Section II.A.3 will be penalized twenty (20) points for the first one to fifty (1–50) words over the word count limit. Teams that are fifty (50) words or more over the word count limit will be disqualified.

E. Outside Assistance

Any team violating the research and outside assistance rules in Section I.C may be disqualified. The Chairs will investigate any such occurrence after giving the suspected team an opportunity to comment. In lieu of disqualification, the Chairs, at their discretion, may otherwise penalize a team for violation of the outside assistance rules.

F. Formatting or Citation Errors

Where a team has made formatting or citation errors in the appellant brief, the Board of Student Advisers judge will take these errors into account according to the Qualifying Round Grading Guide. Where a team has made formatting or citation errors in the appellee brief, the BSA judge will endeavor to inform the other presiding oral argument judges. The ultimate penalty is at the sole discretion of each judge.

G. Discretionary Penalties

Where no specific penalty is provided for a rules violation, the Chairs, at their discretion, may determine and impose appropriate penalties. Any academic dishonesty may be referred to the Administrative Board.

VI. ADMINISTRATIVE MATTERS

A. Communication Directed to Those Administering the Competition

1. **Via E-mail.** All communications concerning the Competition, except where otherwise noted in the Rules, must be submitted via e-mail to the Chairs at ameshls@gmail.com. If for any reason this email address is unresponsive, the Chairs may also be reached at their personal email addresses, noted in the introduction paragraphs to these Rules.

B. Communication from Those Administering the Competition

1. **Mailboxes.** Each team will be assigned a “mailbox” outside of the Board of Student Advisers Office, in which the Chairs may leave materials for the teams. If the Chairs leave any materials for teams in these boxes, the teams will be notified via e-mail within a reasonable amount of time.

2. **E-mail.** Unless specified otherwise in these Rules, all competition-related communication between and among the Chairs and the teams (via the team captains) shall be conducted by e-mail. All competition-related emails should be addressed to the Ames HLS email account (ameshls@gmail.com).

3. **Board of Student Advisers Office.** The Board of Student Advisers Office will not be available for use by any team or individual team member for meetings, research, photocopying, Westlaw, LEXIS or Internet access, brief preparation, oral argument preparation, or other activities related to the Qualifying Round Competition.