

**NATIONAL NATIVE AMERICAN
LAW STUDENTS ASSOCIATION**

**ANNUAL
MOOT COURT
COMPETITION**

OFFICIAL RULES

(As amended by the NNALSA Executive Board, October 24, 2009)

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MISSION STATEMENT

The National Native American Law Students Association (NNALSA) was founded in 1970 to support Native American students in law school and promote the study of federal Indian law, tribal law, and traditional forms of governance. We strive to reach out to Native American communities, encourage Native Americans to pursue legal education, and educate the legal community about Native American legal issues.

SECTION 1 – PURPOSE

RULE 1.1 – Promoting the Objectives of the Mission Statement

The purpose of the NNALSA Moot Court Competition is to create opportunities to promote the objectives of the NNALSA Mission Statement, actively encourage the development of the oral advocacy and brief-writing skills of NNALSA members, as well as enhance substantive knowledge in the fields of federal Indian law, tribal law, and traditional forms of governance.

RULE 1.2 – Continued Involvement

NNALSA strongly encourages all Moot Court participants to actively participate in NNALSA activities as a student and beyond graduation in order to further the purpose outlined above.

SECTION 2 – GENERAL ADMINISTRATION

RULE 2.1 – Competition Administration

The competition is operated by one or more host schools. Host schools are chosen through the bidding process outlined in Section 12.

RULE 2.2 – Duly-Enacted Competition Rules

These rules have been duly enacted by the NNALSA Executive Board (“Executive Board”) as the official rules.

RULE 2.3 – NNALSA Vice President as Competition Administrator

The Executive Board vests authority in the NNALSA Vice President as the Competition Administrator who shall administer the competition and these rules in partnership with the host school, and shall not compete while serving as administrator of the competition.

RULE 2.4 – NNALSA Moot Court Rules Committee

- a. The Rules Committee shall consist of all Executive Board members and one representative from each host school who are not competing in that year's competition. The representative(s) from the host school shall be appointed by the host school(s).
- b. The Rules Committee becomes exclusive to those outlined in Rule 2.4(a) when the competition is “active.” The competition is considered “active” from the date of the problem release until the conclusion of the competition. During this time, the Rules Committee is limited to interpreting the rules and cannot amend the rules, except as permitted by Rule 3.4. When the competition is not active, the host school representative is no longer a member of the Rules Committee and all members of the Executive Board may amend the rules.
- c. The Rules Committee is charged with interpreting the rules, responding to grievances, and resolving operational issues. The Rules Committee shall operate by consensus. When the competition is active as outlined in Rule 2.4(b) and no consensus can be reached, the Competition Administrator alone shall decide.

- d. All questions, answers, and decisions of the Rules Committee shall be posted to the NNALSA and host school websites at least 24 hours before the brief submission deadline. It is the responsibility of participants to check the websites for information about the competition.
- e. The decisions of the Rules Committee and/or Competition Administrator shall be final.

SECTION 3 – AUTHORITY

RULE 3.1 – Assessing Penalties and Disqualifying Teams

The Rules Committee has sole discretion to issue and assess penalties or disqualify teams for violation of these rules.

RULE 3.2 – Interpreting these Rules

The Rules Committee has sole discretion to interpret these rules. All requests for rule interpretation must be e-mailed to the Competition Administrator at least 7 days before oral arguments. All answers will be posted on the NNALSA and host school websites. All decisions are final.

RULE 3.3 – Substantive Inquiries Concerning the Problem

The Rules Committee, through consultation with the problem author, will be responsible for all substantive inquiries about the problem. All inquiries must be e-mailed to the Competition Administrator at least 7 days before oral arguments. All answers will be posted on the NNALSA and host school websites. All decisions are final.

RULE 3.4 – Amending these Rules

The Rules Committee and the host school (by way of consultation with the Rules Committee) reserve the right to make any necessary changes to ensure the fairness, efficiency, and appropriate administration of the competition. All such changes shall be posted on the NNALSA and host school websites.

SECTION 4 – INDIVIDUAL ELIGIBILITY

RULE 4.1 – Who Can Compete

Each competitor must: (a) be pursuing a law degree or an international law-related degree; and (b) be enrolled at an eligible institution as a full-time or part-time student during the relevant academic year and plan to participate in the competition on behalf of that institution; and (c) have not practiced law in any jurisdiction after graduating from any type of law degree program.

RULE 4.2 – NALSA Chapter Members

Competitors must meet **all** of the following eligibility requirements:

- a. Competitors must be in good standing with National NNALSA and their local NALSA chapter. “Good Standing” means dues-paying member both locally and nationally, unless:
 - i. Participant’s chapter does not require dues; or
 - ii. Participant does not have local chapter.
- b. Membership is defined in Article II of the NNALSA Bylaws.
- c. Competitors must meet all financial obligations of membership in NNALSA as well as their local NALSA chapter before the brief submission deadline or they will be disqualified.

NNALSA membership dues must be submitted to the NNALSA Treasurer. If there is no local NALSA chapter, refer to Rule 5.2.

- d. Competitors must be active members of NNALSA and their local NALSA chapter. In their team's registration packet, each competitor must submit a letter from their local NALSA chapter President and/or Secretary. The letter must attest that competitor is not currently suspended and demonstrate participation in their local NALSA chapter and interest in advancing the Mission of NNALSA. If competitor has been suspended, a Letter of Reinstatement must be included in the registration packet. If there is no local NALSA chapter, refer to Rule 5.2.

RULE 4.3 – *New Participants and Members without a Local Chapter*

- a. Students who do not have a local NALSA chapter and/or students who have not had prior exposure to or interest in Indian law, must:
 1. submit online NNALSA membership applications and dues by the submission deadline (<http://www.nationalnalsa.org>). The NNALSA Treasurer and the competition administrator will work with the host school(s) to ensure all appropriate deadlines have been met and dues have been paid.
 2. submit the following with their submission:
 - I. a letter from the student attesting to their interests and activities which advance the objectives of the NNALSA Mission Statement. The letter must be no longer than 2 pages, double-spaced, all margins 1", and 12 point Times New Roman font.
 - II. A letter from the Dean, Associate Dean, or a professor at the student's law school, attesting to the student's interest or involvement in advancing the objectives of the NNALSA Mission Statement.
- b. Admittance of students who apply under this rule is subject to review by the Rules Committee. Students will be notified of admittance status via e-mail within 3 days of the receipt of the complete registration packet. The entire registration packet will be returned by postal service if a team is not approved to compete.

SECTION 5 – TEAM ELIGIBILITY

RULE 5.1 – *NALSA Chapter Status*

Only law schools with active NALSA chapters may participate in the competition, with the exception of those outlined in Rule 5.2. "Active chapters" are dues-paying chapters with NNALSA. Chapters with teams in the competition must submit their chapter dues to the NNALSA Treasurer before the brief submission deadline or all of their teams will be disqualified.

RULE 5.2 – *Team Composition*

- a. Teams shall consist of two students from the same law school who meet all individual eligibility requirements in Section 4. If a team cannot be assembled from the same school, the applicants must submit a letter requesting an exception to Rule 5.2 with their registration packet. This letter will be reviewed by the Rules Committee for approval. It shall include a(n):
 1. explanation of why the exception is necessary.

2. description of efforts to produce a team from the same school and why those efforts failed.
- b. In the event the Rules Committee does not grant an exception, all registration materials will be returned via postal service. If an exception is granted, the team will be notified via e-mail.

RULE 5.3 – *Submitting Registration Materials*

Each team must submit a complete registration packet to the host school by the deadline. The registration packet must include: the registration form, payment of the entry fee, and any additional requirements. With the exception of Rule 5.2 applicants, all applicants are reminded to send NNALSA membership applications, individual dues, and chapter dues to the NNALSA Treasurer before the brief submission deadline in accordance with Rules 4.2 and Rule 5.1.

RULE 5.4 – *Team Identification Numbers*

- a. When the host school receives complete registration packets, the host school will sequentially assign a number to each team and notify them of their number by e-mail. The assigned number will be the sole method of identifying the team during the competition. Competitors may not divulge their law school affiliation to oral argument judges before the conclusion of the final round. This rule does not preclude disclosure of the competitor's names to the oral argument judges at any time.
- b. Teams assigned an even number will write a brief on behalf of the Appellants/Petitioners and argue on behalf of the Appellants/Petitioners in the first preliminary oral argument round. Teams assigned an odd number will write a brief on behalf of the Appellees/Respondents and argue on behalf of the Appellees/Respondents in the first preliminary oral argument round.

RULE 5.5 – *Team Withdrawal*

Teams can withdraw from the competition by submitting an e-mail message to the chair of the coordinating committee of the host school at least 48 hours before the preliminary oral argument rounds. Teams that withdraw after that time or do not appear in a timely manner for oral argument rounds will be assigned a score of zero for that round. At its discretion, the host school may provide refunds for teams that withdraw before the brief submission deadline, but no refunds will be given to teams that withdraw after that deadline.

RULE 5.6 – *Team Member Substitution*

There will be absolutely no substitution of team members after the brief has been filed.

SECTION 6 – DISQUALIFICATION

RULE 6.1 – *Grounds for Disqualification*

Teams may be disqualified from the competition by a unanimous vote of the rules committee. Grounds for disqualification include, but are not limited to: exhibiting blatant disregard for the procedures or requirements outlined in these rules, compromising the anonymity of the competition, plagiarism, intimidation, unwarranted contact with competition judges concerning the competition, poor sportsmanship, submitting multiple, frivolous claims against other teams, and conduct otherwise unbecoming of the NNALSA mission.

SECTION 7 – TEAM COACHES

RULE 7.1 – *Restrictions*

- a. Team coaches may participate in preliminary and general discussions of the problem or issues presented, judge practice oral arguments, and give critiques, strategy advice, or feedback to team members only *after* the brief submission deadline.
- b. Team coaches may not serve as competition judges or help prepare the competition problem.
- c. Team coaches may observe any round except preliminary rounds.

SECTION 8 – BRIEFS

RULE 8.1 – *Format*

- a. Briefs shall be no longer than 36 double-spaced pages, printed on standard 8.5" x 11" paper. Margins must be 1 1/4 inch on the left and 1 inch on the right, top, and bottom, including footnotes. Indented quotations may be single-spaced.
- b. Typeface must be 12 point Times New Roman font.
- c. Footnotes may be 10 point Times New Roman font. Footnotes may not be employed to compress more than a reasonable amount of material into 36 pages. Excessive or abusive use of footnotes will be penalized as outline in Rule 8.5(b).
- d. Briefs shall be black book-bound at the left and shall not have a plastic cover. Appellants'/Petitioners' briefs must have a blue paper cover. Appellees'/Respondents' briefs must have a red paper cover. Covers must conform to the relevant United States Supreme Court rules regarding form except that only the team's identification number shall be used and no names, addresses, or school affiliations shall be disclosed. The brief shall not be signed.
- e. Each brief shall have the following sections in this order: table of contents; table(s) of authorities; questions presented; statement of the case (subdivided into a statement of the proceedings and a statement of the facts); summary of argument (optional); argument; and conclusion. Only the language of applicable constitutional provisions, statutes, or regulations may be included in appendices. The 36-page limit prescribed in Rule 8.1(a) does not include the table of contents, table(s) of authorities, or appendices.
- f. Briefs cannot contain team members' names or schools. In addition to their briefs, teams must file a signed certificate of service (on a separate piece of paper) indicating their names, addresses, team identification number, and filing date. Briefs received without a certificate of service will be deemed to not have been filed. No reply brief is permitted.
- g. Citations must conform to rules in either the latest edition of The Bluebook, a Uniform System of Citation or the current edition of the Association of Legal Writing Directors Citation Manual (ALWD). Only one form of citation rules can be used within one brief.

RULE 8.2 – *Service*

- a. Three copies of each team's brief must be submitted in person or postmarked by the brief submission deadline as set forth in Rule 13.6(c). Briefs from teams from the same law school must be submitted or mailed separately.
- b. A team may not, for any reason, revise its brief after submission to the competition.

- c. Briefs will not be distributed to opposing teams or oral argument judges. Thus, competitors are strongly discouraged from referring to passages in their briefs during oral arguments because oral argument judges will not have seen or read the briefs.

RULE 8.3 – Preparation and Assistance

- a. Only team members can prepare and write briefs. Team members must strive to contribute equally to the brief writing and no one can prepare the brief by him or herself.
- b. Between the release of the problem and submission of the team's brief, no team may receive substantive or stylistic assistance from faculty, coaches, or other persons directly associated with preparing the team for the competition, including assistance from or comparison with other competing teams. Any seminar, independent research, tutorial or other academic exercise providing instruction specifically targeted to the problem shall be considered assistance.
- c. A team may receive secretarial or clerical assistance, provided that such assistance is strictly limited to typing, assembling, filing, and other logistical preparation of the brief.
- d. This rule does not preclude a faculty advisor or sponsor from selecting students to form a team, provided that each team member participate in preparing and writing the brief and follow Rule 8.3(b) regarding substantive or stylistic assistance.

RULE 8.4 – Scoring

- a. Each brief will be anonymously scored by a panel of three judges selected by the host school.
- b. Brief judges may not judge any team's practice rounds or otherwise discuss the problem with participants, team faculty advisors, coaches, or other persons directly associated with preparing teams for competition.
- c. Each brief judge shall spend the same amount of time on each brief and shall meet all deadlines imposed by the host school.
- d. Brief scores will be tabulated according to *Appendix A: Brief Score Sheet*. Scores from each judge will be averaged for the final brief score.

RULE 8.5 – Penalties

- a. Briefs longer than 36 pages will be given a score of zero.
- b. Excessive or abusive use of footnotes may be penalized by 5-10 points.
- c. Briefs submitted or postmarked after the brief submissions deadline will not be accepted. The team will be disqualified from the competition and forfeit their registration fee. No membership dues will be returned.
- d. Plagiarism will not be tolerated and is an automatic disqualification from the competition. Each member of the team assumes responsibility for the accuracy and content of their team's brief. The Executive Board and host school(s) will report violations to the law school of the violating team.
- e. The host school(s) shall provide evidence of a rule violation in order to determine penalties.

- f. Penalties for other rule violations in submission or format will be administered according to the procedures adopted by NNALSA.

SECTION 9 – ORAL ARGUMENTS

RULE 9.1 – *Preparation and Assistance*

Teams may only prepare and/or practice their oral arguments and receive substantive and stylistic critiques and assistance (from anyone, including faculty members and members of other teams) *after* they file their briefs.

RULE 9.2 – *Recordings*

Teams may make audio or video recordings of their oral argument rounds if they use their own equipment but no special accommodations will be made for those teams. At the end of the round, the bailiff will deliver the recording to the tabulation room where it will be held until the end of the competition. Recordings must be labeled only with the team identification number. Neither NNALSA nor the host school assumes any responsibility for loss or damage to the recording.

RULE 9.3 – *Spectators*

- a. Space permitting, non-competitors, with the exception of team coaches (see Rule 7.1(c)), are allowed to watch any round of the competition. However, spectators are not allowed to share information with competitors or team coaches. Competitors are not allowed to ask for or receive information from spectators.
- b. Until they are eliminated from the competition, competitors may not observe or receive any information about other teams' oral argument rounds. Competitors may not observe other teams' oral argument rounds during preliminary rounds even if they have a "bye."
- c. Spectators shall take care not to disturb oral arguments while entering or leaving the room.

RULE 9.4 – *Prohibited Behavior*

- a. Team members shall not talk to or receive notes from spectators.
- b. Team members shall not communicate with the oralist at the podium.
- c. Generally disruptive conduct at counsel table is prohibited.

RULE 9.5 – *Time Limits and Rebuttal*

- a. Time limits will be strictly enforced. Each team must argue for a total of 26-30 minutes. Each oralist must argue for at least 13 minutes and no more than 17 minutes, including up to 4 minutes of rebuttal time as outlined below in Rule 9.5(b). Bailiffs will serve as timekeepers and keep written time records. At the appropriate times, bailiffs will display cards that indicate when 5 minutes, 2 minutes, and 1 minute remain, unless otherwise directed by the oralists. Bailiffs will display a yellow "Stop" card when no time is remaining. Judges may allow an oralist 60 seconds to conclude his or her sentence. If the oralist is given leave to finish his or her sentence, after 60 seconds the bailiff will hold up a red "Stop" card and verbally declare "Stop." Oralists and teams who go under 13 minutes or over 17 minutes will

be penalized in accordance with Rule 9.6, with evidence of time violations taken from the bailiff's records.

- b. Appellant can reserve up to 4 minutes (included in the required 13-17 minutes outlined above in Rule 9.5(a)) for rebuttal and must notify the bailiff before the round and notify the court at the beginning of the round. Judges may not allow *any* additional time beyond the allotted 4 minutes. The purpose of a rebuttal is to respond to the Appellees'/Respondents' arguments, and it is inappropriate to introduce new arguments. No surrebuttals by Appellees/Respondents are permitted. The whole rebuttal is to be argued by one oralist.

RULE 9.6 – Time Violations and Penalties

The bailiff's time records will be used to tabulate penalties stemming from time violations.

- a. Oralists failing to speak for the requisite 13 minutes will be penalized 15 points for each minute under 13.
- b. Oralists exceeding the 17-minute time limit will be penalized 15 points for each minute over 17.
- c. Teams failing to speak for the requisite 26 minutes will be penalized 15 points for each minute under 26.
- d. Teams exceeding the 30-minute time limit will be penalized 15 points for each minute over 30, unless the judges had given either oralist 60 seconds to finish his or her sentence.

RULE 9.7 – Scoring and Rounds

- a. The team's oral argument score will be judged according to criteria set forth in *Appendix B: Oral Argument Score Sheet*. The final brief score is calculated according to Rule 8.4(d).
 1. In the preliminary rounds, the team's final brief score will account for 30% of the weighted score and the team's oral argument score will account for 70% of the weighted score.
 2. In the first elimination round, the brief score will account for 20% of the weighted score and the team's oral argument score will account for 80% of the weighted score.
 3. In the quarterfinal round, the brief score will account for 10% of the weighted score and the total team oral argument score will account for 90% of the weighted score.
 4. In the semifinal round, the brief score will account for 5% of the weighted score and the team's oral argument score will account for 95% of the weighted score.
 5. In the final round, the total score will be based solely on the final round oral argument score. In the event of a tie, the team with the highest cumulative oral argument score for the entire competition shall be deemed the winner.
- b. In each oral argument round, one team shall be the winner and one team the loser for that round, based on the weighted score as outlined above in Rule 9.7(a)(1-5). The round score is the point spread between each team's weighted score, so that after each round the winning team will have a positive score equal to the point spread and each losing team will have a negative score equal to the point spread from that round.

- c. Team advancement from the preliminary rounds will be based first upon each team's win-loss record then upon their cumulative round scores. Team advancement in the elimination rounds will be based on a bracket system.

RULE 9.8 – Preliminary Rounds

- a. Each team will compete in at least two preliminary rounds.
- b. During preliminary rounds, each team is required to argue the Appellants'/Petitioners' side once and the Appellees'/Respondents' side once.
- c. Teams shall be paired against different teams in each preliminary round.
- d. Although it is discouraged, teams from the same school may be paired against one another in preliminary rounds if no alternative is available.

RULE 9.9 – Elimination Rounds

- a. At the conclusion of the preliminary rounds, the top 16 teams will advance according to Rule 9.7(c). Teams will be seeded according to highest and lowest cumulative round scores as outlined in Rule 9.7(b). The team in first position (with the highest cumulative round score) will be paired with the team in last position (the lowest cumulative round score), and so forth so that the eighth position team will be paired with the ninth.
- b. The eight teams that win in the first elimination rounds shall advance to the quarterfinal round.
- c. The four teams that win in the quarterfinal round shall advance to the semi-final round.
- d. The two teams that win in the semi-final round shall advance to the final round. A coin toss will determine which team decides whether to argue on or off brief.
- e. The winning team of the final round shall be declared the competition winner.

RULE 9.10 – Availability of Score Sheets

At the conclusion of the preliminary rounds, score sheets of those competitors who are not advancing to the elimination rounds will be available from the Competition Administrator. At the conclusion of final rounds and immediately after the announcements of the awards, score sheets will be available to all competitors. The Competition Administrator may not disclose a team's score sheet to another party in any instance.

RULE 9.11 – Ghost Teams

In case of uneven team pairings or team withdrawals, the host school shall provide ghost teams. Before the conclusion of the competition, the identity of ghost teams will not be revealed to *anyone* except members of the host school's coordinating committee and the Rules Committee. During preliminary oral argument rounds, points will only be awarded to the winning team. If the ghost team wins that round, points will not be awarded to either team.

SECTION 10 – AWARDS

RULE 10.1 – Announcement of Competition Results

- a. Results of the brief competition will be announced at the conclusion of the competition.

- b. The 16 teams advancing to the elimination rounds will be announced after the conclusion of the preliminary oral argument rounds.
- c. Except for the preliminary and final rounds, results of each round will be announced when all scores are received and tabulated.
- d. The winners of the final round will be announced at the conclusion of the competition.

RULE 10.2 – Awards

First, second, and third place awards shall be presented in the following categories:

- a. Best Advocate: Awarded to the top three teams based as determined through competition.
- b. Best Brief: Awarded to the top three briefs based on average brief scores. In case of ties, the team with the highest score from any individual judge wins.
- c. Best Individual Oralist: Awarded to the top three oralists based on cumulative oral argument scores from the preliminary rounds.

RULE 10.3 – Award Trophies

The host school shall provide the award trophies for each award category.

SECTION 11 – GRIEVANCES

RULE 11.1 – Procedure

- a. The team or team member ("the complainant") must complete *Appendix C: Grievance Form*. The complainant must clearly state the entire grievance or complaint in the space provided.
- b. The complainant shall submit a completed form to the Competition Administrator either in person during oral arguments, or via e-mail before oral arguments. No grievance forms will be accepted after the conclusion of the competition.
- c. The Competition Administrator will bring the complaint before the Rules Committee for a decision. The Rules Committee may request those involved to answer questions or give information concerning the complaint. Any questions or information gathered must be done in the presence of the full Rules Committee.
- d. The Rules Committee will make a decision in accordance with Rule 2.4(c). A decision will be made within a reasonable amount of time and the concerned parties will be notified. Decisions affecting the structure of the competition or causing a delay will be communicated promptly to all competitors, judges, and bailiffs. The decisions of the Rules Committee and/or the Competition Administrator are final.

SECTION 12 – HOST SCHOOL BIDDING PROCESS

RULE 12.1 – Solicitation of Bids

The Executive Board solicits bids for host schools each year between February 1 and April 1. If no school submits a bid, the Executive Board may solicit bids during the business meeting of the NNALSA Annual Meeting.

RULE 12.2 – Publication of Bids

Notice of each bid will be published to the NNALSA listserv and each bid package will be posted to the NNALSA website. Chapters are strongly encouraged to compile bid packages that are accessible via the NNALSA website. Chapters will have an opportunity to present their bid to the NNALSA general membership during the Annual Meeting.

RULE 12.3 – *Content of Bid Packages*

Bid packages shall include a letter from the prospective problem author as outlined in Rule 14.2(a) and a letter in support of the bid from the law school administration. Bid packages may contain details of pledged sponsorship, support from law school faculty and prospective judges, a description of law school facilities, areas of local interest, social events, and other relevant information. Host schools may choose run a Continuing Legal Education (CLE) program in conjunction with the competition.

RULE 12.4 – *Procedure*

At the NNALSA business meeting (during the NNALSA Annual Meeting), the Executive Board shall allow time for prospective host schools to announce their bids to the general membership. Prospective host schools are encouraged to present and promote their bid packages in order to garner support for their bids.

- a. The general membership will vote on host school bids according to procedures set forth by the Executive Board and/or the bylaws.
- b. The President will announce the winning bid at the earliest official NNALSA event after the votes have been counted and recorded according to the Executive Board and/or the bylaws.
- c. Once the bid has been awarded and before the end of the Annual Meeting, the host school(s) and the Executive Board's Moot Court Committee will meet to discuss the administration, rules, and schedule of the competition.

SECTION 13 – HOST SCHOOL DUTIES

RULE 13.1 – *Partnership with NNALSA*

NNALSA and the host school shall work together to ensure a successful competition.

RULE 13.2 – *Host School Compliance with these Rules*

The host school shall comply with these rules.

RULE 13.3 – *Assistance from NNALSA*

If the host school has difficulty meeting their objectives, deadlines, or goals, they shall contact the Competition Administrator, who shall immediately bring the problem to the attention of the Rules Committee. Together, the Rules Committee, Competition Administrator, and host school will decide the course of action necessary to preserve the fairness and integrity of the competition.

RULE 13.4 – *Formation of the Moot Court Rules Committee*

The Competition Administrator shall compile a list of all Executive Board members who are not competing in the Moot Court by November 15 and form the Rules Committee. The host school(s) shall appoint one non-competing member (per school) to the Rules Committee and send that appointee's contact information to the Competition Administrator by November 15.

RULE 13.5 – *Orientations*

The host school(s) are required to hold competitors', judges', and bailiffs' orientations at the start of the competition, in order to, among other things, clarify rules and answer any questions. The orientations are to be directed by Moot Court Rules Committee members who are NNALSA Board members.

RULE 13.6 – *Guidebook*

The host school(s) shall keep a guidebook for planning and organizing the competition and shall transfer the guidebook to the next bid winner at the Annual Meeting. At a minimum, the guidebook must contain the following:

- a. A list of all judges who participated in the competition, as well as judges who were contacted but unable to participate.
- b. A list of all host school actions and completion dates for those actions.
- c. A copy of all form letters used by the host school in connection with the competition.
- d. A timeline for completion of actions necessary to organize and operate the competition.
- e. A logbook of problems, challenges, and successes encountered in organizing and operating the competition, as well as how each was overcome or attained.
- f. The host school's suggestions for improvement and success of the next competition.
- g. A complete and detailed report of the host school's budget and all fundraising efforts, including contact information for sponsors. The report should include a note regarding which efforts were most successful and why they were successful.
- h. Contact information for all members involved in planning the competition, including all professionals, especially those with expertise in Indian law, who were consulted or who gave advice on how to organize and operate the competition.

RULE 13.7 – *Timeline*

- a. The host school will announce the dates of the competition by August 15.
- b. The problem will be officially released on November 1.
- c. Briefs are due by the second Monday in January. Briefs must be postmarked by this date.
- d. The host school(s) shall release CLE information by December 15, if applicable.
- e. The host school(s) shall confirm all brief judges and alternate judges by December 5. All oral argument judges and alternate judges must be confirmed by January 5.

SECTION 14 – PROBLEM

RULE 14.1 – *Scope*

The problem shall address timely issues in federal Indian law and/or tribal law and governance and must follow the format of a national moot court competition by providing an even number of issues that may be argued in an appellate court-like structure.

RULE 14.2 – *Problem Author*

- a. The problem shall be authored by a full-time faculty member of (one of) the host school(s). The author shall have a Juris Doctorate degree and specialize in Indian law. The author shall submit a letter to the NNALSA membership announcing his or her intent to author the problem which must be included in the host school's bid package. The author is encouraged to participate in the bidding process outlined in Section 13.
- b. If the author cannot fulfill the authorship duties, the host school(s) shall replace the author with an alternate in accordance with the criteria in Rule 14.2(a). Both the author and the host school(s) shall submit the substitution to the rules committee. The rules committee will then post the substitute author's letter of intent to the NNALSA and host school websites.
- c. The host school(s), in conjunction with the author, shall choose a panel of at least three of the author's peers to review the problem before the official problem release. The review panel may make comments and suggestions and the author shall have a chance to incorporate any changes, if he or she chooses, before the official problem release.
- d. The author shall draft a problem with issues evenly divided for team competition.
- e. The author shall give the completed problem to a designated host school moot court committee member three days before the official problem release. The designated member shall forward an electronic copy of the problem to the Competition Administrator two days before the problem release. The designated member must make the appropriate arrangements with the host school's information technology department before the problem release to ensure that the problem is posted to the host school's website on the release date.
- f. The author will write a 1-page suggested questions memorandum which will be given to judges at their orientation session. The memorandum shall have an equal number of questions for Appellants/Petitioners and Appellees/Respondents.

RULE 14.3 – *Bench Brief Author*

- a. The author of the bench brief shall preferably be the problem author. If the author cannot write the bench brief, the bench brief author shall have a Juris Doctorate degree and specialize in Indian law. The same panel that reviews the problem shall review the bench brief before it is disseminated to the oral argument judges.
- b. The bench brief author shall not participate as a judge in the competition.
- c. The bench brief shall be subject to the same formatting rules outlined in Rule 8.1.
- d. The bench brief will be mailed via postal service or e-mail to the oral argument judges at least 2 weeks before the first round of oral arguments.
- e. The bench brief will also be given to judges at their orientation session.

RULE 14.4 – Confidentiality of Problem, Bench Brief, and Suggested Questions Memorandum

Before its official release, the problem will not be made available to anyone except the competition administrator and the non-competing members of the host school's planning committee who are designated to receive the problem. Neither the bench brief nor the suggested questions memorandum will be available or shown to competitors, team faculty advisors, coaches, or other persons associated with preparing a team for competition until those documents are officially released by the host school after the competition and after the briefs have been returned to the teams.

SECTION 15 – JUDGES

RULE 15.1 – Selection Criteria

- a. Competition judges must have passed a federal, state, and/or tribal bar exam.
- b. Competition judges must be judges, law clerks, professors, and/or practicing attorneys.
- c. Team faculty advisors, coaches, or other persons directly associated with preparing the teams are ineligible to be competition judges.

RULE 15.2 – Judges' Orientation Session

- a. All oral argument judges must attend the judges' orientation session administered by NNALSA and the host school, unless special arrangements are made with the host school.
- b. The judges' orientation session shall be conducted 45 minutes before the first round of oral arguments. The judges shall be oriented to the facilities, instructed on rules and scoring procedures, and given copies of the bench brief.

RULE 15.3 – Recusal of Oral Argument Judges

- a. If a judge knows a competitor, the judge shall recuse his or herself at his or her own discretion.
- b. If a judge decides to recuse, s/he shall immediately inform the bailiff before the round begins.
- c. The bailiff will immediately notify the host school committee to promptly exchange judges.

RULE 15.4 – Judge's Role

- a. All oral argument rounds except the final round will be judged by a panel of three oral argument judges selected by the host school.
- b. Judges will evaluate each competitor based solely on the point scale provided.
- c. No judge serving as a full-time faculty member of the host school is permitted to judge a preliminary oral argument round where a team from the host school is participating.
- d. Judges may allow an extra 60 seconds for an oralist to finish his or her sentence. Judges do not have discretion in authorizing time extensions beyond that point. If the speaker exceeds the maximum time discussed in Rule 9.5(a), a mandatory penalty will apply as set forth in Rule 9.6.

Appendix A: Brief Score Sheet

Team ID # _____ Judge _____

Please indicate the team's brief score within the point range for each category (below each category is a suggested range). The total score is the cumulative total of all categories minus the total penalty deductions. The lowest possible total score is 0 and the highest possible total score is 100. Please write comments for the authors in the space provided.

SUBSTANTIVE REQUIREMENTS (45 points available)

Issue Recognition (15 points) _____

Excellent: 11-15, Average: 6-10, Poor: 0-5

Analysis and Argument (15 points) _____

Excellent: 11-15, Average: 6-10, Poor: 0-5

Knowledge & Application of Law (15 points) _____

Excellent: 11-15, Average: 6-10, Poor: 0-5

ADVOCACY (30 points available)

Persuasiveness and Writing Style (15 points) _____

Excellent: 11-15, Average: 6-10, Poor: 0-5

Structure of Argument (15 points) _____

Excellent: 11-15, Average: 6-10, Poor: 0-5

FORMAL REQUIREMENTS of RULE 8.1 (25 points available)

Rule 8.1 (b-d) - Font, footnotes, binding (5 points) _____

Excellent: 4-5, Average: 2-3, Poor: 0-1

Rule 8.1 (g) - Citations (5 points available) _____

Excellent: 4-5, Average: 2-3, Poor: 0-1

Rule 8.1 (e) - Content (15 points available) _____

| | |
|-------------------------------|-----------------------------------|
| Cover Page (0-1) _____ | Questions Presented (0-2) _____ |
| Table of Contents (0-2) _____ | Table of Authorities (0-2) _____ |
| Opinions Below (0-1) _____ | Statement of the Case (0-3) _____ |
| Argument (0-3) _____ | Conclusion (0-1) _____ |

SUBTOTAL _____

PENALTIES

Exceeded 36-page limit - Rule 8.5(a) - _____

Briefs longer than 36 pages must be given a total score of zero.

Excessive or abusive use of footnotes - Rule 8.5(b) - _____

5-10 points may be deducted for excessive or abusive use of footnotes

TOTAL BRIEF SCORE _____

Comments for the authors (please write on the back if necessary):

Appendix B: Oral Argument Score Sheet

Team ID # _____ Judge _____ Round _____

Oralist 1 _____ Oralist 2 _____

Please indicate each oralist's score within the point range for each category (below each category is a suggested range). The subtotal team score is the cumulative total of all categories. The lowest possible team score is 0 and the highest possible score is 300. Please write comments for the oralists in the space provided.

| | ORALIST 1 | ORALIST 2 |
|---|-----------|-----------|
| LEGAL ISSUES (90 total points available per oralist) | | |
| Preparation and Familiarity with Facts (30 points) | _____ | _____ |
| Excellent: 21-30, Average: 11-20, Poor: 0-10 | | |
| Structure of Legal Argument (30 points) | _____ | _____ |
| Excellent: 21-30, Average: 11-20, Poor: 0-10 | | |
| Knowledge & Application of Law (30 points) | _____ | _____ |
| Excellent: 21-30, Average: 11-20, Poor: 0-10 | | |
| STYLE (60 total points available per oralist) | | |
| Organization, Presentation, Speaking Ability (15 points) | _____ | _____ |
| Excellent: 11-15, Average: 6-10, Poor: 0-5 | | |
| Responsiveness to Questions (15 points) | _____ | _____ |
| Excellent: 11-15, Average: 6-10, Poor: 0-5 | | |
| Persuasiveness and Advocacy (15 points) | _____ | _____ |
| Excellent: 11-15, Average: 6-10, Poor: 0-5 | | |
| Courtroom Etiquette (15 points) | _____ | _____ |
| Excellent: 11-15, Average: 6-10, Poor: 0-5 | | |
| SUBTOTAL ORALIST SCORES | _____ | _____ |
| SUBTOTAL TEAM SCORE | | _____ |

For Moot Court Rules Committee Use Only

INDIVIDUAL PENALTIES

| | | |
|---|---------|---------|
| Exceeded the 17-minute time limit – Rule 9.5 and 9.6 | - _____ | - _____ |
|---|---------|---------|

Deduct 15 points for each minute over 17 minutes. The oralist may not request more time.

| | | |
|--|---------|---------|
| Failed to speak for the requisite 13 minutes – Rule 9.5 and 9.6 | - _____ | - _____ |
|--|---------|---------|

Deduct 15 points for each minute under 13 minutes.

| | | |
|--------------------------------------|-------|-------|
| TOTAL POINTS for EACH ORALIST | _____ | _____ |
|--------------------------------------|-------|-------|

(subtotal minus penalties)

TEAM PENALTIES

| | | |
|---|---------|---------|
| Exceeded the 30-minute time limit – Rule 9.5 and 9.6 | - _____ | - _____ |
|---|---------|---------|

Deduct 15 points for each minute over 30 minutes.

| | | |
|--|---------|---------|
| Failed to speak for the requisite 26 minutes – Rule 9.5 and 9.6 | - _____ | - _____ |
|--|---------|---------|

Deduct 15 points for each minute under 26 minutes.

TOTAL (sum of oralist points minus team penalties)

Comments for the oralists (please write on the back if necessary):

Appendix C: Grievance Form

Name: _____

Date: _____

Address: _____

Telephone: _____

My concern rests with:

_____ The general operation of the NNALSA Moot Court Competition

_____ The action or failure to act of _____
(Name)

_____ Other. Please explain: _____

Grievance, Complaint, or Concern:

I would consider this grievance, complaint, or concern resolved if:

Signed:

Dated:

Appendix D: Good Standing Sample Letter

2010 NNALSA Moot Court Rules Committee
% USD Law School / Lonnie Wright
414 East Clark Street
Vermillion, SD 57069

[Date]

Dear Rules Committee:

[Blank] is in good standing with the National Native American Law Student Association [NALSA] and [School Name] NALSA chapter. [Blank] has participated in our NALSA chapter by participating in activities such as [blank]. [Blank] has not been suspended or is currently suspended and has demonstrated an interest in advancing the mission of NNALSA.

Please contact me with any questions regarding [Blank's] standing with our NALSA chapter.

Sincerely,

[President's /Secretary's Name]

[Contact Info]