

## 2016 DUKE LAW DEAN'S CUP COMPETITION BRIEF-WRITING GUIDELINES

### Qualifying Brief

*The Qualifying Brief is written by competitors trying to qualify for the Moot Court Board. Current Board members seeking to fulfill their competition requirement are required to submit a brief consistent with these guidelines.*

- 1) **Party Represented.** Competitors writing Qualifying Briefs may choose to represent either Petitioner United States or Respondent Texas. However, all competitors will represent both parties at least once in Preliminary Round oral arguments regardless of the party represented in their respective qualifying briefs.
- 2) **Issue Argued.** Qualifying Briefs will only argue one issue, of a Competitor's choice: (1) Do Plaintiffs have Article III standing to challenge the deferred-action guidance issued by the Secretary of the Department of Homeland Security on November 20, 2014, based on Texas's cost of issuing drivers' licenses to deferred-action recipients? **OR** (2) In light of 5 U.S.C. § 701(a) and Heckler v. Chaney, 470 U.S. 821 (1985), is the Secretary's November 20, 2014 deferred-action guidance judicially reviewable agency action?
- 3) **Submission Deadline.** Competitors writing Qualifying Briefs must email their brief to the Deans Cup Coordinators ([deanscup2015@gmail.com](mailto:deanscup2015@gmail.com)) by Sunday, November 8, 2015 by 11:59 p.m.
  - a) **Late Submissions.** Any competitor who submits a late brief will not be considered for Moot Court Board membership. This restriction is subject to exceptions made for extraordinary circumstances with the permission of the Coordinators.
- 4) **Formatting Guidelines.**
  - a) **Length.** Briefs shall be no less than ten (10) and no more than fifteen (15) pages long, using 12-point Times New Roman font and one-inch margins.
    - i) **Penalty for Exceeding Page Limit.** Qualifying Briefs shall be docked ten (10) points (out of a possible 100 total points) for every page or portion of a page exceeding the fifteen-page (15) limit.
    - ii) **Components Included in Page Limit.** The following components shall be included in the fifteen-page (15) limit: Question Presented for Review, Statement of the Case, Summary of the Argument, Argument, and Conclusion.
  - b) **Components.** Briefs shall include the following components, under appropriate headings and in the order indicated:
    - i) **Cover Page.** The Cover Page shall be printed on plain white paper and shall include the competitor's name and indicate whether the competitor represents the Petitioner or Respondent. A sample Cover Page is included as Appendix A to these Guidelines.

- ii) **Question Presented for Review.** The Question Presented for Review shall include the single question before the United States Supreme Court.
- iii) **Statement of the Case.** The Statement of the Case shall include facts relevant to the issue submitted for review and shall include appropriate references to the record.
- iv) **Summary of the Argument.** The Summary of the Argument must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief, and must not merely repeat the argument headings.
- v) **Argument.** The Argument must contain:
  - (1) The party's contentions and the reasons for them, with citations to the authorities and parts of the record on which the party relies.
  - (2) A concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issue).
- vi) **Conclusion.** A short conclusion stating the precise relief sought.
- c) **Page Numbering.** Page numbers for components included in the page limit shall appear in Arabic numerals centered in the bottom page margin, beginning with "1".
- d) **Competitor Names on Brief.** With the exception of the Cover Page, a competitor's name shall not appear anywhere on his or her brief. All briefs will be randomly assigned identifying numbers for grading purposes.
- e) **Citations.** All citations should comply with the Bluebook.
- f) **Joint Appendix** A Joint Appendix shall be provided to all competitors. Any citation to the record or other case materials must cite to the Joint Appendix. This is the Index that appears on pages 70–71 of the Dean's Cup Case Problem Packet.

5) **Brief Scoring.**

- a) **Scorers.** Qualifying Briefs will be scored name-blind by three (3) members of the Moot Court Board not competing in the Dean's Cup.
- b) **Scoring Guidelines.** See sample Guidelines attached to these guidelines.

### **Competition Brief**

*The Competition Brief is written by each team in the Semifinals.*

- 6) **Party Represented.** Each team must write its Competition Brief for the party assigned to it by the Coordinators.

**Issues Argued.** Competition Briefs may argue any issue presented by the case materials, but at minimum must argue two issues: (1) Do Plaintiffs have Article III standing to challenge the

deferred-action guidance issued by the Secretary of the Department of Homeland Security on November 20, 2014, based on Texas's cost of issuing drivers' licenses to deferred-action recipients? **AND** (2) In light of 5 U.S.C. § 701(a) and Heckler v. Chaney, 470 U.S. 821 (1985), is the Secretary's November 20, 2014 deferred-action guidance judicially reviewable agency action?<sup>1</sup>

- 7) **Submission Deadline.** Each team must submit four (4) copies of its Competition Brief to the Moot Court Board Office at a date and time to be specified by the Coordinators. An electronic copy must also be submitted to the Coordinators by this deadline.
  - a) **Late Submissions.** Any team submitting a late brief shall have its ranking dropped one spot per day that the brief is late. This restriction is subject to exceptions made for extraordinary circumstances with the permission of the Coordinators. See Rule 10(b) for details of brief scoring.
- 8) **Formatting Guidelines.**
  - a) **Length.** Briefs shall be no more than 10,000 words, using 14-point Times New Roman font and one-inch margins.
    - i) **Penalty for Exceeding Word Limit.** Briefs exceeding the 10,000-word limit shall automatically receive scores of "4" from the brief judges.
    - ii) **Components Included in Word Limit.** The following components shall be included in the 10,000-word limit: Statement of the Case, Summary of the Argument, Argument, and Conclusion.
- 9) **Brief Contents.**
  - a) **Components.** Briefs shall include the following components, under appropriate headings and in the order indicated:
    - i) **Cover Page.** The Cover Page shall be printed on plain white paper and shall include both team members' names and indicate whether the team represents the Petitioner or Respondent.
    - ii) **Questions Presented for Review.** See Rule 6 for questions that must be presented.
    - iii) **Table of Contents.** The Table of Contents shall include page references to the components of the brief, including argument headings and subheadings.
    - iv) **Table of Authorities.** The Table of Authorities shall include cases (alphabetically arranged), statutes, and other authorities, with references to the pages of the brief where they are cited.
    - v) **Statement of the Case.** The Statement of the Case shall set forth the facts material to the consideration of the questions presented, with appropriate references to the Joint Appendix.

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<sup>1</sup>A third issue may be added at a later date. All competitors will be made aware of this change.

- vi) **Summary of the Argument.** The Summary of the Argument should be a clear and concise condensation of the argument made in the body of the brief; mere repetition of the headings under which the argument is arranged is not sufficient.
- vii) **Argument.** The Argument must contain:
  - (1) The party's contentions and the reasons for them, with citations to the authorities and parts of the Joint Appendix on which the party relies.
  - (2) A concise statement of the applicable standard(s) of review (which may appear in the discussion of the issues or under separate headings placed before the discussion of each issue).
- viii) **Conclusion.** The Conclusion shall specify with particularity the relief the party seeks.
- b) **Brief Binding.** Competition Briefs shall be securely bound in the top left corner.
- c) **Page Numbering.** Page numbers for components excluded from the page limit (with the exception of the Cover Page) shall appear in lowercase Roman numerals centered in the bottom page margin, beginning with "i". Page numbers for components included in the page limit shall appear in Arabic numerals centered in the bottom page margin, beginning with "1".
- d) **Competitor Names on Brief.** With the exception of the Cover Page, a team member's name shall not appear anywhere on his or her brief. All briefs will be randomly assigned identifying numbers for grading purposes.
- e) **Joint Appendix.** A Joint Appendix shall be furnished by the Coordinators to all teams. Any citation to the record or other case materials, must cite to the Joint Appendix.

10) **Brief Scoring.**

- a) **Scorers.** Competition Briefs shall be scored name-blind by faculty members.
- b) **Scoring Guidelines.** Each faculty scorer shall rank the briefs in each group from 1 to 4, with the best brief in each group receiving a "1" and the worst brief in each group receiving a "4". These scores shall be counted twice in determining the teams' final scores.

### **Finals Brief**

*The Finals Brief is written by each team competing in the Finals and is sent to the judges prior to oral arguments.*

- 11) **Submission Deadline.** Each Finalist team shall submit four (4) copies of its brief to the Coordinators at a date and time to be specified by the Coordinators.
- 12) **Formatting Guidelines.** Finals Briefs shall follow the format specified for Competition Briefs, with the following changes:
  - a) **List of Parties.** Finals Briefs shall include a list of all parties to the proceeding in the court whose judgment is under review (unless the caption of the case on the Cover Page contains the names of all parties). This list shall appear after the Cover Page.

- b) **Jurisdictional Statement.** Finals Briefs shall include a Jurisdictional Statement setting forth a concise statement of the basis for jurisdiction in the Supreme Court, including the statutory provisions and time facts on which jurisdiction rests. This Statement shall appear after the Table of Authorities.
  - c) **Cited Authorities.** Finals Briefs shall include the constitutional provisions, treatises, statutes, ordinances, and regulations involved in the case, set out verbatim with appropriate citation. If the provisions involved are lengthy, their citation alone shall suffice, and their pertinent text, if not already set out in the Joint Appendix, shall be set out in an appendix to the brief. These Authorities shall appear after the Jurisdictional Statement.
  - d) **Signature Block.** Finals Briefs shall include a signature block naming the counsel of record identified on the cover of the brief. This signature block shall appear after the Conclusion.
  - e) **Brief Binding.** Finals Briefs shall be submitted unbound in manila envelopes. The Moot Court Board shall bear the cost of binding the briefs and mailing them to the Finals judges.
- 13) **Faculty Consultation.** Finalists may be required to consult with faculty members regarding the content and styling of Finals Briefs. However, Finals Briefs must still be entirely the Finalists' own work as required by the Honor Code and the Dean's Cup Rules.

# **APPENDIX A**

## **SAMPLE COVER PAGE**



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No. 15-40238

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In The

**SUPREME COURT OF THE UNITED STATES**

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**UNITED STATES OF AMERICA, ET. AL.,**

*Petitioners,*

v.

**STATE OF TEXAS, ET. AL.,**

*Respondents.*

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ON WRIT OF CERTIORARI FROM THE  
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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**BRIEF FOR PETITIONERS**

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Student Name  
Duke Law School  
210 Science Drive  
Durham, N.C., 27709  
(919) 999-8888

*Counsel for Petitioners*

## **APPENDIX B**

### **SAMPLE BRIEF SCORING GUIDELINES**



**Duke University School of Law \* Moot Court Board**  
**SCORING SHEET**  
**Dean's Cup Preliminary Round, Fall 2015**

**Judge's name:** \_\_\_\_\_

**Competitor ID:** \_\_\_\_\_

**Party (circle one):**

**Petitioner**

**Respondent**

**Issue (circle one):**

***Standing***

***Judicial Reviewability***

Criteria	Points received	Points possible
<b>Professional presentation</b> •No typographical errors •Brief complies with formatting guidelines •Labeled parts of brief match requirements		5
<b>Question Presented for Review</b> • Presented succinctly and correctly		2.5
<b>Statement of the Case</b> • Organized, coherent narrative • Treatment of "good" and "bad" facts • Accuracy		10
<b>Argument</b> • Clear, effective headings and sub-headings • Addresses standard of review • Theme • Adherence to IREAC or similar organizational structure • Use of precedent • Application of law to facts • Internal consistency • Logical flow; organization • Addresses potential counter-arguments where appropriate		50
<b>Conclusion</b> • Provides brief statement of relief sought		2.5
<b>Writing style</b> • Syntax • Transitions • Grammar conventions (subject-verb agreement, etc.) • Word choice • Punctuation		15
<b>Citations and research</b> • Statements of law supported with relevant authority • Citations comply with the Bluebook • Correct citations to the record • Depth of research		15
<b>Total</b>		100