2017-2018
DUKE LAW DEAN’S CUP COMPETITION
BRIEF-WRITING GUIDELINES

Qualifying Brief

Current Moot Court Board Members do not have to submit a brief, but all competitors seeking membership on the Moot Court Board must write a Qualifying Brief for the preliminary rounds.

1. Party Represented. Competitors may choose to represent either the Petitioner or Respondent in their Qualifying Briefs. However, all competitors will represent both parties at least once in Preliminary Rounds oral arguments—regardless of the party represented in their respective qualifying briefs.

2. Issue Argued. Competitors should limit their Qualifying Briefs to address only the following issue:
   (1) Whether the National Labor Relations Act preempts the state right to work law?

3. Submission Deadline. Competitors must email Qualifying Briefs to the Deans Cup Coordinators (deanscup@law.duke.edu) by 11:59p.m. on Sunday, November 5, 2017. Digital submissions shall be in a .doc or .docx format. Competitors must also submit three hard copies of their Qualifying Briefs to the Moot Court Board Office (Room 4041) by 12:00pm (noon) on Monday, November 6, 2017. The hard copies must match the digital submission exactly; competitors may not make any changes after submitting their electronic briefs.

3.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.A. Length. Briefs shall be no less than fifteen (15) and no more than twenty-five (25) pages long. Briefs should be double-spaced, written in 14-point Times New Roman font, and with one-inch margins.

4.A.i. Penalty for Exceeding Page Limit. Qualifying will shall be docked ten (10) points (out of a possible 100 total points) for every page or portion of a page exceeding the twenty-five-page (25) limit.
4.A.ii. **Components Included in Page Limit.** The following components shall be included in the twenty-five-page (25) limit: Issue Presented, Statement of Facts, Summary of the Argument, Argument, and Conclusion.

4.B. **Components.** Briefs shall include the following components, under appropriate headings and in the order indicated:

4.B.i. **Cover Page.** The Cover Page shall be printed on plain white paper. It 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 of these Guidelines.

4.B.ii. **Question Presented for Review.** The Question Presented for Review shall include the single issue that the competitor will address within the brief.

4.B.iii. **Statement of the Case.** The Statement of the Case shall include facts relevant to the issue submitted for review and appropriate references to the record.

4.B.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. It should not merely repeat the argument headings.

4.B.v. **Argument.** The Argument must contain:

   (1) 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); and

   (2) The party’s contentions and the reasons for them, with citations to the authorities and parts of the record on which the party relies.

4.B.vi. **Conclusion.** There should be a short conclusion which specifies the precise relief sought.

4.C. **Page Numbering.** All pages which count towards the page limit must be numbered. Page numbers shall appear in Arabic numerals centered in the bottom page margin, beginning with “1”. Competitors should not put a page number on the cover page or other components which do not count towards the page limit.

4.D. **Anonymous Scoring.** Each competitor shall put his or her name on the cover page. 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 scoring purposes.

4.E. **Citations.** All citations should comply with the Bluebook.

4.F. **Joint Appendix** All competitors will receive a joint appendix. Any citation to the record or other case materials must cite to the Joint Appendix—*i.e.*, App. 32.

5. **Brief Scoring.**

5.A. **Scoring.** All qualifying briefs will be scored name-blind by at least three (3) members of the Moot Court Board. Scorers may not compete in the Dean's Cup.

5.B. **Scoring Guidelines.** Briefs will be scored according to the enclosed score sheet.

**Competition Brief**

*Each team in the semifinals must submit a Competition Brief.*

6. **Party Represented.** Coordinators will assign teams to represent either the Petitioner or Respondent. Each team must write a Competition Brief for the party assigned.

7. **Issues Argued.** Competition Briefs must address the following two issues:
   (1) Whether the National Labor Relations Act preempt the state right to work law; **AND**
   (2) Whether it is it an unconstitutional taking under the Fifth Amendment

8. **Submission Deadline.** Each team must email a copy of the to the Deans Cup Coordinators ([deanscup@law.duke.edu](mailto:deanscup@law.duke.edu)) by 11:59pm on Sunday, January 14, 2017. Digital submissions shall be in a .doc or .docx format. Each team must also submit four hard copies of their Qualifying Briefs to the Moot Court Board Office (Room 4041) by 12:00pm (noon) on Monday, January 15, 2017. The hard copies must match the digital submission exactly; competitors may not make any changes after submitting their electronic briefs.

8.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.

9.A. Length. Briefs shall be no more than 10,000 words, using 14-point Times New Roman font and one-inch margins.

9.A.i. Penalty for Exceeding Word Limit. Briefs exceeding the 10,000-word limit shall automatically receive rank of “4” from the brief judges.

9.A.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.

10. Brief Contents.

10.A. Components. Briefs shall include the following components, under appropriate headings and in the order indicated:

10.A.i. Cover Page. The Cover Page shall be printed on plain white paper. It shall indicate both team members’ names and whether the team represents the Petitioner or Respondent.


10.A.iii. Table of Contents. The Table of Contents shall include page references to the components of the brief, including argument headings and subheadings.

10.A.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.

10.A.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.

10.A.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.
10.A.vii. **Argument.** The Argument must contain:
(1) 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); **AND**
(2) 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.

10.A.viii. **Conclusion.** The Conclusion shall specify with particularity the relief the party seeks.

10.B. **Brief Binding.** Competition Briefs shall be securely bound in the top left corner.

10.C. **Page Numbering.** Page numbers for components included in the word limit shall appear in Arabic numerals centered in the bottom page margin, beginning with “1”. With the exception of the Cover Page, all other page excluded from the word limit shall appear in lowercase Roman numerals centered in the bottom page margin, beginning with “i”.

10.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 blind grading.

10.E. **Joint Appendix.** A Joint Appendix shall be furnished by the Coordinators to all teams. Any citation to the record or other case materials, including relevant statutory and constitutional provisions, must cite to the Joint Appendix.

11. **Brief Scoring.**

11.A. **Scorers.** Competition Briefs shall be scored name-blind by faculty members.

11.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.” 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.*

12. **Submission Deadline.** Each team must email a copy of the to the Deans Cup Coordinators ([deanscup@law.duke.edu](mailto:deanscup@law.duke.edu)) by 11:59pm on Monday, February 5, 2017. Finalists do not need to submit a hard copy of their final briefs.
13. **Formatting Guidelines.** Finals Briefs shall follow the format specified for Competition Briefs. It shall also include the following additions and alterations:

13.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.

13.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.

13.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.

13.D. **Signature Block.** Finals Briefs shall include a signature block naming the counsel of record, as identified on the cover of the brief. This signature block shall appear after the Conclusion.

13.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.

14. **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
No. 15-40238

In The

SUPREME COURT OF THE UNITED STATES

UNITED STATES OF AMERICA, et. al.,

Petitioners,

v.

STATE OF TEXAS, et. al.,

Respondents.

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

BRIEF FOR PETITIONERS

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

Counsel for Petitioners
### 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):**
- Appellant
- Appellee

**Issue (circle one):**
- Standing
- Judicial Reviewability

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