

2020-2021
DUKE LAW DEAN'S CUP COMPETITION
BRIEF-WRITING GUIDELINES

Competition Brief

As of the 2020-2021 Duke Law Dean's Cup Competition, all competitors must submit a Competition Brief.

1. Party Represented. Coordinators will assign competitors to represent either the Petitioner or Respondents. Each competitor must write a Competition Brief for the party assigned.

2. Issues Argued. Competition Briefs must address the following issues:

(1) Whether WMATA's policy of refusing to accept advertisements that promote or oppose religion or reflect a religious perspective violates the First Amendment freedom of speech.

3. Submission Deadline. Each competitor must email a copy of their brief to the Deans Cup Coordinators (deanscup@law.duke.edu) by 11:59pm on January 25, 2021. Digital submissions shall be in a .doc or .docx format. **Do not** submit your briefs in a .pdf format. If you submit your document in the incorrect format, it will be treated as a late brief. Competitors do not need to submit a hard copy of their brief.

3.A. Late Submissions. Any competitor submitting a late brief shall have their 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.

4. Formatting Guidelines.

4.A. Length. Briefs shall be no more than 7,000 words, using 14-point Times New Roman font and one-inch margins, with the exception of the cover page.

4.A.i. Penalty for Exceeding Word Limit. Briefs exceeding the 7,000 word limit shall automatically receive rank of "4" from the brief judges.

4.A.ii. Components Included in Word Limit. The following components shall be included in the 7,000-word limit: Statement of the Case, Summary of the Argument, Argument, and Conclusion.

5. Brief Contents.

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

- 5.A.i. Cover Page.** The Cover Page shall be printed on plain white paper. It shall indicate the competitor's name and whether the competitor represents the Petitioner or Respondent.
- 5.A.ii. Questions Presented for Review.** See Rule 2. Competitors may rephrase the wording of questions presented.
- 5.A.iii. Table of Contents.** The Table of Contents shall include page references to the components of the brief, including argument headings and subheadings.
- 5.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.
- 5.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.
- 5.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.
- 5.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.
- 5.A.viii. Conclusion.** The Conclusion shall specify with particularity the relief the party seeks.

5.B. Brief Binding. Briefs should be returned electronically in one continuous word document with appropriate formatting.

5.B. 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”.

5.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 blind grading.

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

6. Brief Scoring.

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

6.B. Scoring Guidelines. Faculty scorers will score the briefs on each side, which will then be converted to a ranking from 1 to 4, with the best brief in each group receiving a “1.” The brief will constitute 40% of the competitor’s score.

Finals Brief

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

7. Submission Deadline. Each competitor must email a copy of the brief to the Deans Cup Coordinators (deanscup@law.duke.edu) by 11:59pm on March 15, 2021. Finalists do not need to submit a hard copy of their final briefs.

8. Formatting Guidelines. Finals Briefs shall follow the format specified for Competition Briefs. It should use the name, rather than student ID number, of the student on its cover and signature block page. It shall also include the following additions and alterations:

8.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.

8.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.

8.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.

8.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.

8.E. Brief Binding. The Moot Court Board shall bear the cost of binding the briefs and mailing them to the Finals judges.

9. 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.