

OFFICIAL RULES AND REGULATIONS

General Rules

Honor Code. The Duke University School of Law Honor Code governs all intramural moot court competitions, including the Dean's Cup. Violation of these Official Rules, including withdrawal after the competition has begun, may amount to a violation of the Duke Law Honor Code. The Dean's Cup Coordinators (hereinafter "the Coordinators") may refer alleged violations to the Office of Student Affairs for disciplinary action and may disqualify offending competitors from the Dean's Cup Competition.

Eligibility and Use of Outside Resources

1. Eligibility for Competition. The competition is only open to students currently enrolled at Duke University School of Law, and students enrolled in the LLM program. First-year students are not eligible to compete.

2. Students studying away from Duke University. A student studying at Duke Programs away from the main campus (e.g. Duke in DC) or studying away at another institution may be eligible to compete in the Dean's Cup. To be eligible, the student must otherwise be eligible and capable of meeting all the obligations required to compete.

3. Oral Arguments. Competitors may use notes or any printed materials during oral argument, but they may not use laptops during oral argument. Oral arguments will be held remotely. The Coordinators may make exceptions to this Rule to accommodate disabilities, special needs, or exceptional circumstances.

4. Assistance with Mooting. Competitors may practice their arguments with other students, fellow competitors, and members of the Moot Court Board. Competitors may not practice their arguments with any member of the faculty or any person serving as a guest judge without the express permission of the Coordinators. Competitors do not violate this policy if, in accordance with course policy, they seek outside help on their coursework for Appellate Practice.

5. Assistance with Competition and Briefs.

5.A. Outside Assistance Prohibited. Each competitor must write and edit his or her own competition brief. Competitors can seek advice on general structure and argument, but they may not seek advice or assistance on any written product from faculty (at Duke or another law school), other law students (at Duke or another law school), and practicing attorneys. In particular, competitors may not view briefs filed by attorneys and may not access or use oral arguments (audio or transcripts) in any case concerning the subject matter argued in the course of the Dean's Cup. Competitors do not violate this policy if, in accordance with course policy, they seek outside help on their coursework for Appellate Practice.

Finalists are encouraged to seek whatever editing or advice they wish before submitting their briefs to the panel of Final Round Guest Judges. The Dean's Cup Coordinators will facilitate this process.

5.C. Permissible Research Resources. Competitors may consult any legal research resources that are reasonably available to all competitors. Should a dispute arise as to the propriety of a research resource, the Coordinators will judge whether a resource is permissible. In particular, competitors may not view briefs filed by attorneys and may not access or use oral arguments (audio or transcripts) in any case concerning the subject matter argued in the course of the Dean's Cup.

Moot Court Board Qualification

6. Weighing Briefs and Oral Advocacy. In accordance with the Constitution of the Moot Court Board, only oral advocacy scores will be used to determine elimination rounds. Thereafter, competitor's oral advocacy scores will constitute sixty percent (60%) of the total score, and competitor's brief score will constitute forty percent (40%) of the total score.

7. Selection of New Moot Court Board Members. New members will be invited to join the Board pursuant to Article III.B.1 of the Constitution of the Moot Court Board.

The Competition

8. Source Material. Competitors will argue *Archdiocese of Washington v. Washington Metropolitan Area Transit Authority* ("*Archdiocese of Wash. v. WMATA*"), in the Supreme Court on writ of certiorari to the Court of Appeals for the District of Columbia Circuit.

8.A. Scope. During all Dean's Cup rounds, competitors will argue before the U.S. Supreme Court. In all rounds, competitors are to assume the grant of certiorari is limited to one claim that was resolved by the D.C. Circuit:

(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.

9. Dates and Deadlines.

9.A. Entry. Entry is binding; competitors may not withdraw from the competition after submitting the entry form. All competitors must submit an online entry form by November 10, 2020 at 11:59 PM. Each competitor seeking Moot Court Board membership must indicate such intent on the form.

9.B. Preliminary Rounds. The Preliminary Rounds will occur from February 15, 2021 – February 20, 2021. All competitors must submit their block out dates and unavoidable conflicts by February 1, 2021. Except for the times noted on the block out form, competitors agree to be available at any time throughout the Preliminary Rounds.

9.C. Semifinals. Semifinals will occur from February 15, 2021 – February 20, 2021.

9.D. Finals. The final round will occur on March 30, 2021.

10. Format.

10.A. Competition Briefs. Each competitor must submit a Competition Brief by 11:59 PM Eastern Time on January 25, 2021. This Brief Requirement applies even if the competitor is already a member of the Moot Court Board. See the Brief Guidelines for detailed requirements. Duke Law faculty and alumni will review the briefs and give them a score, which will be converted into a ranking from one to four in the semifinal rounds. To reach their grade, faculty will consider the briefs' persuasiveness, writing style, legal reasoning, logical organization, citation format, and adherence to the brief requirements. Graded briefs will be returned to competitors.

10.B. Preliminary Rounds. These rounds consist of oral arguments. Competitors argue individually. Competitors will argue “on brief”—on the side they are assigned to brief.

10.B.i. Oral Arguments. Competitors will argue two to four times, depending on the total number of competitors. All arguments will be “on brief”—you will argue only on the side that you were assigned to brief. Arguments will last fifteen minutes per side. Competitors arguing for the Petitioner may present a rebuttal. A panel of two or more faculty or alumni judges will score oral arguments based on fluency, command of the legal issues, ability to answer questions, persuasiveness of argument, courtroom demeanor, and adherence to appropriate protocol.

10.B.ii. Final Scoring. All competitors' highest and lowest oral argument scores will be dropped, and the remaining scores from each oral argument will be totaled to obtain a competitor's final score for the Preliminary Rounds. The top four competitors on each assigned side will advance to the Semifinal Rounds.

10.B.iii. Tiebreakers. In the case of a tie between competitors for either a spot in the Semifinal Rounds, comparisons between the tied competitors will be used to break the tie. Tiebreakers will progress in the following order until the competitors are distinguished:

- (1) If the tied competitors argued against each other during the Preliminary Rounds, their two scores from that round are compared, and the competitor with the higher total score advances.
- (2) The tied competitors' highest scores are compared; the competitor with the higher score advances.
- (3) The tied competitors' lowest scores are compared; the competitor with the higher score advances.

(4) If none of these tiebreakers distinguishes the competitors, a coin toss shall be used to determine the ranking of the competitors and/or which competitor advances.

10.C. Semifinal Rounds. All competitors who qualify for the semifinals are honor-code bound to compete barring exceptional extenuating circumstances. Competitors qualifying for the Semifinal Round will compete individually.

10.C.i. Oral Arguments. Competitors will argue “on brief.” Each competitor will argue four times; all competitors for the Petitioner will argue against all competitors for the Respondent. Competitors will have fifteen minutes to argue per round. The Petitioner may present a rebuttal. Each of the four total rounds is scored by a different three-judge panel, such that each panel will judge each competitor once. Panels rank the competitors from one to four (with one reflecting the superior oral argument). To reach their rankings, judges will consider fluency, command of the legal issues, ability to answer questions, argument persuasiveness, courtroom demeanor, and adherence to appropriate protocol.

10.C.ii. Final Scoring. All rankings will be combined to reach the final score. The three Competition Brief rankings will be added to the twelve Oral Argument rankings. The lowest sums for each representative side (Petitioner and Respondent) will advance to the Finals.

10.B.iii. Tiebreakers. If competitors on the same representative side reach a tie score, the following comparisons between the tied competitors will be used to break the tie. Tiebreakers will progress in the following order until the competitors are distinguished:

(1) The competitors’ Competition Brief rankings are compared; the competitor with the lowest Competition Brief sum advances.

(2) Each competitor’s three best Semifinals Oral Argument rankings are compared; the competitor with the lowest Oral Argument sum advances.

(3) Each competitor’s two worst Oral Argument rankings are compared; the competitor with the lowest sum advances.

(4) Each competitor’s worst Competition Brief score is compared; the competitor with the highest score advances.

(5) If the above methods fail to distinguish a competitor, the competitors’ scores from the Preliminary Rounds shall be compared; the competitor with the highest Preliminary score will advance.

10.D. Final Round.

10.D.i. Competition Briefs. Competitors may be required to edit their Competition Briefs prior to submission to the final judges.

10.D.ii. Oral Arguments. A panel of three judges will hear oral arguments. Each competitor will argue for fifteen to twenty minutes. The competitor representing the Petitioner may present a rebuttal, but the competitor representing the Respondent may not present a subrebuttal.

10.D.iii. Final Scoring. The judges shall select (1) a “Winner” and (2) a “Best Brief.” The winner will be determined at the judges’ sole discretion. The judges may consider the quality of the briefs and oral advocacy, but the titles shall be determined at the judges’ sole discretion. The “Best Brief” award will be open to all of the 8 Semifinalists.

10.D.iv. Tiebreakers. There are no set tiebreakers in the final rounds. The panel of three judges will determine the winner at their sole discretion.

Rules Governing Disputes

11. Coordinators to Serve as Arbiters. The Coordinators, or their designees, shall, during the term of the competition, serve as final arbiters of any questions arising from the competition.