2013 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 the Appellant or the Appellee. However, all competitors will represent both parties twice 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: whether the State of Tennessee’s re-enfranchisement requirements violate the Equal Protection Clause, or whether the requirements violate the Twenty-Fourth Amendment ban on poll or other taxes. However, all competitors will argue all issues in their Preliminary Round oral arguments.

3) Submission Deadline. Competitors writing Qualifying Briefs must submit four (4) hard copies of their brief to the Moot Court Board office by 5:00 PM on Wednesday, October 31, 2012.

   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: Issue Presented, Statement of Facts, 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 Appellant or Appellee. A sample Cover Page is included as Appendix A to these Guidelines.

      ii) Issues Presented. The Issues Presented shall include the single question before the Court of Appeals.
iii) **Statement of Facts.** The Statement of Facts 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) **Brief Binding.** Qualifying Briefs shall be bound with a staple through the top left corner of the brief.

d) **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”.

e) **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.

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 Appendix C.

**Competition Brief**

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

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

7) **Issues Argued.** Competition Briefs may argue any issue presented by the case materials, but at minimum must argue two issues: (1) whether the re-enfranchisement requirements violate the Equal Protection Clause; and (2) whether the requirements violate the Twenty-Fourth Amendment ban on poll or other taxes.
8) **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 11 (b) for details of brief scoring.

9) **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.

10) **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 Appellant or Appellee. A sample Cover Page is included as Appendix B to these Guidelines.

      ii) **Questions Presented for Review.** See Rule 7 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.

      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, including relevant statutory and constitutional provisions, must cite to the Joint Appendix.

11) 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.

12) 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.

13) 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.

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

No. 06-17328

IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHOLIC LEAGUE FOR RELIGIOUS AND CIVIL RIGHTS; RICHARD SONNENSHEIN, DR.; VALERIE MEEHAN,

Plaintiffs-Appellants,

v.

CITY AND COUNTY OF SAN FRANCISCO; AARON PESKIN, in his Official Capacity as President, Board of Supervisors, City and County of San Francisco; TOM AMMIANO, in his Official Capacity as a Supervisor, Board of Supervisors, City and County of San Francisco,

Defendants-Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRIEF OF APPELLEES

Levi S. Dean
Duke University School Of Law
210 Science Drive
Durham, N.C. 27708
(919) 234-5678
Attorney for Defendants-Appellees
No. 06-17328

IN THE
SUPREME COURT OF THE UNITED STATES

CATHOLIC LEAGUE FOR RELIGIOUS AND CIVIL RIGHTS; RICHARD
SONNENSHEIN, Dr.; VALERIE MEEHAN,

Plaintiffs-Petitioners,
v.
CITY AND COUNTY OF SAN FRANCISCO; AARON PESKIN, in his
Official Capacity as President, Board of Supervisors, City and County
of San Francisco; TOM AMMIANO, in his Official Capacity as a
Supervisor, Board of Supervisors, City and County of San Francisco,

Defendants-Respondents.

APPEAL FROM THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRIEF OF RESPONDENTS

LEVI S. DEAN
JESSUP A. HARDT
DUKE UNIVERSITY SCHOOL OF LAW
Counsel of Record
APPENDIX C

Duke Law Moot Court Board
Dean’s Cup Qualifying Brief Scoresheet

Instructions to the Scorer: Please score competitors based on this rubric. Your evaluation should reflect your appraisal of the student’s brief-writing skills, without consideration for which side should win on the merits. The point values assigned to the elements under each sub-score do not create a mandatory rubric. They are designed to aid the scorer in determining the relative weight each element should carry as part of the sub-score. However, the scorer is free to assign point values to each element and calculate the sub-scores by adding the point values for each included element.

After all of your assigned briefs have been scored, you should review all the scores you have assigned; in some cases you may need to slightly adjust your scores so that they reflect comparable expectations across competitors.

Few competitors should receive scores in the “outstanding” range; similarly, few should receive scores in the “far below average” range. Only those very rare competitors that are particularly excellent or particularly lacking should be scored greater than 90 or lower than 50, respectively.

<table>
<thead>
<tr>
<th>Distribution of Scores</th>
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<tbody>
<tr>
<td>&lt;50</td>
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<tr>
<td>Far Below Average</td>
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<tr>
<td>Below the minimum expected level (&lt;5%)</td>
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In calculating your final score, consider the following elements as suggested guidelines:

**LEGAL ANALYSIS (50 points)**

- Does the competitor focus on the relevant legal issue? _____/10
- Does the competitor’s argument demonstrate originality and creativity? _____/10
- Does the competitor demonstrate a full understanding of relevant case law, statutory provisions and facts, including fine distinctions and subtleties? _____/15
- Does the competitor effectively deal with contrary arguments and authorities? _____/15

**WRITING QUALITY (50 points)**

- Does the competitor organize the argument in a logical and effective manner? _____/10
- Does the competitor clearly express arguments and convey sincere belief in the position presented? _____/15
- Is the competitor’s writing style effective, persuasive and consistent? _____/20
- Does the competitor adhere to rules of grammar and citation? _____/5

**Brief ID: 1**

**TOTAL:** __________