2011 DUKE LAW DEAN’S CUP COMPETITION
OFFICIAL RULES AND REGULATIONS

General Rules

1. Honor Code. The Duke University School of Law Honor Code governs all intramural moot court competitions, including the 2011 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 the offending competitor from the Dean’s Cup Competition.

The Competition

2. Case for Competition. The case to be argued by the competitors in this year’s Dean Cup is Choose Life Illinois, Inc. v. White, 547 F.3d 853 (7th Cir. 2008).

2.A. Preliminary Round. During the preliminary round, competitors will argue before the Seventh Circuit, and arguments will be based on an appeal of the District Court’s decision. The District Court decision is Choose Life Illinois, Inc. v. White, No. 04 C 4316, 2007 WL 178455 (N.D. Ill. Jan. 19, 2007)

2.B. Round-Robin Quarterfinals and Finals. During the Round-Robin Quarterfinals and Finals, competitors will argue before the Supreme Court of the United States, and arguments will be based on an appeal of the Seventh Circuit’s opinion. The Seventh Circuit Opinion is Choose Life Illinois, Inc. v. White, 547 F.3d 853 (7th Cir. 2008).

3. Dates.

3.A. Entry. All competitors must submit the signed entry form by Friday, October 8, 2010 at 5:00 PM. Each competitor seeking Moot Court Board membership must indicate this intent on the form. Once a competitor has submitted the form, that competitor may not withdraw from the competition or change whether the competitor is attempting to join the Moot Court Board.

3.B. Preliminary Round. Qualifying Briefs are due to the Moot Court Board office on Friday, November 5, 2010 at 5:00 PM. Late submissions will not be considered for Board membership. The Preliminary Round is scheduled for the week of November 8, 2010. Depending upon the number of competitors, the Preliminary Round may continue into the week of November 15, 2010.

3.C. Round-Robin Quarterfinals. Dates will be announced before the end of the semester.

3.D. Finals. Dates will be announced before the end of the semester.

4. Format.

4.A. Preliminary Round. The Preliminary Round is an individual competition. It consists of a written brief requirement (for competitors trying to qualify for the Moot Court Board) and oral arguments.

4.A.I. Brief Requirement. All competitors seeking membership on the Moot Court Board must write a Qualifying Brief for the preliminary round. Graders will judge briefs based
on persuasiveness, writing style, legal reasoning, logical organization, citation format, and adherence to the brief requirements. Briefs will be graded name-blind. See accompanying Brief Guidelines for detailed requirements.

4.A.II. Oral arguments. Each competitor will argue four (4) times, twice on each side. Arguments will last fifteen (15) minutes per person. A competitor arguing for the Appellant may present a rebuttal; a competitor arguing for the Appellee may not present a surrebuttal. Competitors will be judged by a panel of two (2) faculty or alumni judges. Oral advocacy will be scored on fluency, command of the legal issues, ability to answer questions, persuasiveness of argument, courtroom demeanor, and adherence to appropriate protocol.

4.A.III. Scoring. The scores from each oral argument shall be totaled to obtain a competitor’s final score for the Preliminary Round, with the highest and lowest scores being dropped for each competitor. The top sixteen (16) competitors will advance to the next round.

4.A.IV. Tiebreaker. In the case of a tie between competitors for either a spot in the Round-Robin Quarterfinals or for a specific ranking entering the power matching of the Round-Robin Quarterfinals, the tiebreakers shall be, in the following order:

4.A.IV.a. If the competitors argued against each other, each competitor’s score from that argument.

4.A.IV.b. The best two scores of each competitor.

4.A.IV.c. The worst two scores of each competitor.

4.A.IV.d. The total of the highest score and lowest score of each competitor.

4.A.IV.e. If none of these tiebreakers distinguishes the competitors, a coin toss shall determine the ranking of the competitors and/or which competitor advances.

4.B. Round-Robin Quarterfinals.

4.B.I. Team Assignment: Power Matching. Competitors advancing to the Quarterfinals will then be power-matched into the following teams and groups:

4.B.I.a. Group A. Group A will represent the Petitioner Choose Life Illinois, Inc. The teams in Group A will consist of the following competitors, paired as teams: 1 & 2; 15 & 16; 7 & 8; 9 & 10.

4.B.I.b. Group B. Group B will represent the Respondent Jesse White, Secretary of State of the State of Illinois. The teams in Group B will consist of the following competitors, paired as teams: 3 & 4; 13 & 14; 5 & 6; 11 & 12.

4.B.I.c. Right to Refuse One Partner. Upon seeing the list of quarterfinalists, each quarterfinalist may provide the Dean’s Cup Coordinators with the name of one fellow quarterfinalist with whom that person does not want to be paired. All such requests and communications will be kept private and confidential. The Coordinators will attempt to honor all such requests, but the honoring of a request may mean that the requesting quarterfinalist will be paired with a lower-seeded competitor than the one with whom that quarterfinalist otherwise would be paired.
4.B.I.d. **Accepting Invitation to Advance.** All competitors must inform the Coordinators by December 3, 2010 of their intention to accept the invitation to advance. If any competitor declines the invitation, all lower ranked competitors will move up in the rankings.

4.B.I.e. **Announcement of Teams.** Once the competitors for the Quarterfinals have been determined, teams will be announced. No changes in teams will be permitted after this time, except in event of extraordinary circumstances by permission of the Coordinators.

4.B.II. **Brief Requirement.** Each team shall submit a Competition Brief for its side. See the Brief Guidelines for detailed requirements.

4.B.III. **Format of Oral Arguments.** In the Round-Robin Quarterfinals, each team will argue four (4) times, once against each team from the other group. Each time, the team will argue the side of the case for which it wrote its brief.

4.B.IV. **Scoring.**

4.B.IV.a. **Briefs.** Competition Briefs will be graded by three (3) members of the Duke Law Faculty. Graders will judge briefs based on persuasiveness, writing style, legal reasoning, logical organization, citation format, and adherence to the brief requirements. Briefs will be graded name-blind. Each grader will rank the briefs from each group 1, 2, 3, or 4, with 1 reflecting the best brief, and 4 the worst brief.

4.B.IV.b. **Oral arguments.** Arguments will be judged by a panel of three (3) judges. Arguments will be twenty-five (25) minutes per side. One person may not speak for more than a total of fourteen (14) minutes per round. One team member from a team arguing for the Petitioner may present a rebuttal; a team arguing for the Respondent may not present a surrebuttal. A different panel of judges will judge each of the four rounds of the Round-Robin Quarterfinals, so each panel will judge each team once. Oral advocacy will be scored on fluency, command of the legal issues, ability to answer questions, persuasiveness of argument, courtroom demeanor, and adherence to appropriate protocol. At the conclusion of each round, the judges will each rank the teams 1, 2, 3, 4, 5, 6, 7, or 8, with 1 reflecting the best team and 8 reflecting the worst team.

4.B.IV.c. **Total score.** The total score for each team in the Round-Robin Quarterfinals will be total of the three (3) Competition Brief scores, each counted twice, and the twelve (12) oral argument scores, for a total of eighteen (18) separate scores constituting the final score. The team with the lowest final score from each group will advance to the Finals.

4.B.IV.c.1. **Tie Breaker.** In the case of a tie between two teams, tiebreakers shall be the following, in this order:

4.B.IV.c.1.i. The total of the Competition Brief scores.

4.B.IV.c.1.ii. The total of each team’s best three Quarterfinals oral argument scores.

4.B.IV.c.1.iii. The total of each team’s worst two Quarterfinal oral argument scores.

4.B.IV.c.1.iv. Each team’s worst Competition Brief score.
4.B.IV.c.1.v. If none of these tiebreakers distinguishes the competitors, each team’s ranking after the Preliminary Round shall determine which team advances to the Finals.

4.C. Finals.

4.C.I. Judges. A panel of three (3) judges for the Finals shall be selected by the Dean of the Law School.

4.C.II. Briefs. The teams advancing to the Finals may be required to edit their briefs before briefs are sent to the judges of the Finals.

4.C.III. Oral Arguments. Arguments will be judged by a panel of three (3) judges. Arguments will be thirty (30) minutes per side. One person may not speak for more than a total of eighteen (18) minutes. One member of the team arguing for the Petitioner may present a rebuttal; the team arguing for the Respondent may not present a surrebuttal.

4.C.IV. Scoring. The winner of the final round will be determined at the judges’ sole discretion. The judges may take account of the quality of the finalists’ briefs and the quality of oral advocacy.

Rules Governing Competitors

5. Eligibility for Competition. To be eligible to compete in the 2011 Dean’s Cup, a student must be a non-first-year student enrolled at the Duke University School of Law for the 2010-11 academic year. This includes students currently cross-enrolled at another division of the Duke University and students carrying a part-time course load.

6. 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 the Coordinators must determine that the student is capable of meeting all of the obligations required to compete. The Coordinators will make such determinations on a case-by-case basis.

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

8. Restrictions on 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.


9.A. Outside Assistance Prohibited. Competitors must write and edit the briefs on their own. They may not seek advice or assistance on any written product from anyone not on their team, including faculty (at Duke or another law school), other law students (at Duke or another law school), and practicing attorneys.

9.B. 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.
Moot Court Board Qualification

10. Weighting of Briefs and Oral Advocacy. To determine which competitors will be invited to join the Moot Court Board, a competitor’s oral advocacy scores from the Preliminary Round will constitute seventy percent (70%) of the total score, and competitor’s Qualifying Brief score will constitute thirty percent (30%) of the total score.

11. Selection of New Moot Court Board Members. Consistent with Article III.B.1 of the Constitution of the Moot Court Board, at the conclusion of the Preliminary Round the eligible competitors with total scores in the highest thirty-five percent (35%) of all eligible competitors will be selected for Board membership, except that the number of members selected shall not be fewer than four (4) or more than eight (8). However, if there is a tie for the final spot, every competitor so tied will be invited to join the Board. Members chosen through the Dean’s Cup are required to comply with all existing and future Board responsibilities should they choose to accept the Board’s invitation. For purposes of determining new Moot Court Board members, “eligible competitors” are all those competitors in the Preliminary Round who are not members of the Board but seek membership through their performance in the Dean’s Cup.

Rules Governing Disputes

12. 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.