

**NATIONAL
NATIVE AMERICAN LAW STUDENT ASSOCIATION
ANNUAL MOOT COURT COMPETITION
OFFICIAL RULES**

(As Amended by the NNALSA Board of Directors, October 28, 2017)

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Mission Statement:

The National Native American Law Student Association (NNALSA) was founded in 1970 to support Native American students in law school and promote the study of federal Indian law, tribal law, and traditional forms of governance. We strive to reach out to Native American communities, encourage Native Americans to pursue legal education, and educate the legal community about Native American legal issues.

SECTION 1 – PURPOSE**RULE 1.1 – Promoting the Objectives of the Mission Statement**

The purpose of the NNALSA Moot Court Competition is to create opportunities to promote the objectives of the NNALSA Mission Statement, actively encourage the development of the oral advocacy and brief-writing skills of NNALSA members, as well as enhance substantive knowledge in the fields of federal Indian law, tribal law, and traditional forms of governance.

RULE 1.2 – Continued Involvement

NNALSA strongly encourages all Moot Court participants to actively participate in NNALSA activities as a student and beyond graduation in order to further the purpose outlined above.

SECTION 2 – GENERAL ADMINISTRATION**RULE 2.1 – Competition Administration**

The competition is operated by a host school. The host school is chosen through the bidding process outlined in Section 12 of these Rules.

RULE 2.2 – Duly-Enacted Competition Rules

These rules have been duly enacted by the NNALSA Board of Directors as the official rules.

RULE 2.3 – NNALSA Vice President as Competition Administrator

The Board of Directors vest authority in the NNALSA Vice President as the Competition Administrator who shall administer the competition and these rules in partnership with the host school, and shall not compete while serving as administrator of the competition.

RULE 2.4 – NNALSA Moot Court Rules Committee

a) The Rules Committee shall be comprised of the NNALSA Vice President, three (3) NNALSA Board members, and one (1) student representative in good standing from the host school. Pursuant to the conditions specified in Rule 3.2, the problem author shall also serve as a de facto member of the Rules Committee. The host school shall appoint the representative from the host school. Members of the Rules Committee shall be present at the competition and shall not compete.

b) The Rules Committee becomes active exclusive to those outlined in Rule 2.4(a) when

the competition is “active.” The competition is considered “active” from the date of the problem release until the conclusion of the competition. During this time, the Rules Committee is limited to interpreting the rules and cannot amend the rules, except as permitted by Rule 3.4. When the competition is not active, the host school representative is no longer a member of the Rules Committee, and all members of the Board of Directors may amend the rules.

c) The Rules Committee is charged with interpreting the rules, responding to grievances, and resolving operational issues. The Rules Committee shall make decisions by majority agreement. When the competition is active as outlined in Rule 2.4(b) and in the event of a tie vote, the Competition Administrator alone shall decide.

d) All questions posed to the Rules Committee, as well as answers and decisions of the Rules Committee, shall be posted to the NNALSA and host school websites.

e) The decisions of the Rules Committee and/or Competition Administrator shall be final.

SECTION 3 – AUTHORITY

RULE 3.1 – Assessing Penalties and Disqualifying Teams

The Rules Committee shall have sole and final discretion regarding the issuance of penalties and/or disqualification of teams for violating these rules.

RULE 3.2 – Interpreting these Rules

The Rules Committee has sole discretion to interpret these rules. For the purposes of rule interpretation before the competition is active as outlined in Rule 2.4(b), the problem author shall also be considered a de facto member of the Rules Committee. He or she shall have the power to veto or modify any interpretation that he or she views as arbitrary and capricious or otherwise in conflict with the overall aims of the competition. All requests for rule interpretation must be directed to the Competition Administrator. As set forth above, the National NALSA Moot Court Competition is run by National NALSA for law students. In keeping with that purpose and structure, only students may request interpretations of the rules and/or file grievances. Any request or grievance filed by a coach or other non-NALSA member or non-competitor will be automatically discarded and will not be addressed. A coach or other non-NALSA member or non-competitor may not speak to the Rules Committee on behalf of students concerning a filed grievance or the interpretation of the rules. All answers will be posted on the NNALSA and host school websites. All decisions are final.

RULE 3.3 – Substantive Inquiries Concerning the Problem

The Rules Committee, through consultation with the problem author, will be responsible for all substantive inquiries about the problem. All inquiries must be directed to the Competition Administrator at least 7 days before oral arguments. As set forth above, the National NALSA Moot Court Competition is run by National NALSA for law students. In keeping with that purpose and structure, only students may file substantive inquiries. Any inquiry filed by a coach or other non-NALSA member or non-competitor will be

automatically discarded and will not be addressed. All answers will be posted on the NNALSA and host school websites. All decisions are final.

RULE 3.4 – Amending these Rules

The Rules Committee and the host school (by way of consultation with the Rules Committee) reserve the right to make any necessary changes to ensure the fairness, efficiency, and appropriate administration of the competition. While the competition is active, the Rules Committee shall provide notice to registered competitors of any amended rules.

SECTION 4 – INDIVIDUAL ELIGIBILITY

RULE 4.1 –Candidate for a Juris Doctorate Degree

Only students who are candidates for a juris doctorate degree may compete. Each student competitor must be in good standing and enrolled full-time or part-time at an ABA-accredited law school during the relevant academic year.

RULE 4.2 – Member of NNALSA and a Local NALSA Chapter

Competitors must meet all of the following eligibility requirements:

a) Competitors must be in good standing with NNALSA and their local NALSA chapter. Local NALSA chapters must also be in good standing with NNALSA.

b) Competitors must meet all financial obligations of membership in NNALSA as well as their local NALSA chapter before the brief submission deadline or they will be disqualified. NNALSA membership dues must be submitted to the NNALSA Treasurer. If there is no local NALSA chapter, refer to Rule 4.3.

c) Competitors must be active members of NNALSA and their local NALSA chapter. In their team’s registration packet, each competitor must submit a letter from their local NALSA chapter President and/or Secretary. The letter must attest to that competitor’s participation in their local NALSA chapter and interest in advancing the Mission of NNALSA. If there is no local NALSA chapter, refer to Rule 4.3.

RULE 4.3 – Individuals without a Local Chapter

a) Students who do not have a local NALSA must:

1) Submit online NNALSA membership applications and dues by the submission deadline. The NNALSA Treasurer and the Competition Administrator will work with the host school to ensure all appropriate deadlines have been met and dues have been paid.

2) Submit the following with their submission:

I) Letter from the student attesting to their interest and activities which

advance the objectives of the NNALSA Mission Statement. The letter must be no longer than 2 pages, double-spaced, all margins 1", and 12-point Times New Roman font.

II) Letter from the Dean, Associate Dean, or a professor at the student's law school confirming that there is not a local Chapter and attesting to the student's interest or involvement in advancing the objectives of the NNALSA Mission Statement.

b) Admittance of students who apply under this rule is subject to review by the Rules Committee. Students will be notified of admittance status via e-mail within three (3) days of the receipt of the complete registration packet. The entire registration packet will be returned by postal service or notified by email if a team is not approved to compete.

SECTION 5 – TEAM ELIGIBILITY

RULE 5.1 – NALSA Chapter Status

Only law schools with active NALSA chapters may participate in the competition, with the exception of those outlined in Rule 4.3. "Active NALSA chapters" are chapters in good standing with NNALSA. Chapters with teams in the competition must submit their chapter dues to the NNALSA Treasurer before the brief submission deadline or all of their teams will be disqualified.

RULE 5.2 – Team Composition

a) Teams shall consist of two (2) students from the same law school who meet all individual eligibility requirements in Section 4. If a team cannot be assembled from the same school, the applicants must submit a letter requesting an exception to Rule 5.2 with their registration packet. This letter will be reviewed by the Rules Committee for approval. It shall include:

- 1) an explanation of why the exception is necessary; and
- 2) a description of efforts to produce a team from the same school and why those efforts failed.

b) The Rules Committee will notify the applicants if their exception to the team composition is approved or not granted. All registration materials will be returned via postal service. The decision by the Rules Committee is final.

RULE 5.3 – Submitting Registration Materials

Each team must submit a complete registration packet to the host school and/or Competition Administrator by the deadline. The registration packet must include: the registration form, payment of the entry fee, letter(s) as described in 4.2(c) or, and any additional requirements. With the exception of Rule 5.2, all applicants are reminded to send NNALSA membership applications, individual dues, and chapter dues to the

NNALSA Treasurer before the brief submission deadline of the second Monday in January, in accordance with Rules 4.2 and 5.1.

RULE 5.4 – Team Identification Numbers

a) When the host school and/or Competition Administrator receives complete registration packets, the host school and/or Competition Administrator will assign a number to each team and notify them of their number by e-mail. The assigned number will be the sole method of identifying the team during the competition. Competitors may not divulge their law school affiliation to oral argument judges before the conclusion of the final round. This rule does not preclude disclosure of the competitor's names to the oral argument judges at any time.

b) Teams assigned an even number will write a brief on behalf of the Appellant/Petitioners. Teams assigned an odd number will write a brief on behalf of the Appellees/Respondents.

RULE 5.5 – Team Withdrawal

Teams may withdraw from the competition by submitting an e-mail message to the Competition Administrator and/or the host school. Teams that withdraw before the deadline for submitting their briefs will receive a full refund of their registration fee, minus administrative fees. Teams who withdraw after the deadline for submitting their briefs but before the January 31, shall receive a 50% refund, minus administrative fees. Teams who withdraw after January 31, are not entitled to a refund. Teams who do not withdraw and who do not appear in a timely manner for oral argument rounds will be assigned a score of zero for that round.

RULE 5.6 – Team Member Substitution

a) A team may not substitute a team member.

b) A team may submit a letter explaining a request to the exception to Rule 5.6(a). The proposed individual to be a team member substitution must meet all individual eligibility stated in Section 4. In addition, the team shall submit a letter of support from the team coach. The request will be reviewed by the Rules Committee for approval.

c) The Rules Committee will notify the team if their exception to a team member substitution is approved or not approved. If the team member substitution is approved, the individual must submit all required registration material as stated in Rule 5.3. The decision by the Rules Committee is final.

SECTION 6 – DISQUALIFICATION

RULE 6.1 – Grounds for Disqualification

Teams may be disqualified from the competition by a unanimous vote of the Rules Committee. Grounds for disqualification include, but are not limited to: exhibiting blatant disregard for the procedures or requirements outlined in these rules, compromising the anonymity of the competition, plagiarism, intimidation, unwarranted contact with

competition judges concerning the competition, poor sportsmanship, submitting multiple, frivolous claims against other teams, and conduct otherwise unbecoming of the NNALSA mission.

SECTION 7 – TEAM COACHES

RULE 7.1 – Restrictions

- a) Team coaches may participate in preliminary and general discussions of the problem or issues presented, judge practice oral arguments, and give critiques, strategy advice, or feedback to team members only after the brief submission deadline.
- b) Team coaches may not serve as competition judges or help prepare the competition problem.
- c) During the preliminary rounds, team coaches may observe only rounds in which their teams are participating so long as their activity is not disruptive to the round.

SECTION 8 – BRIEFS

RULE 8.1 – Brief Submission Deadline

Briefs are due by the second Monday in January.

RULE 8.2 – Format

- a) Briefs shall be no longer than 36 double-spaced pages, formatted for standard 8.5” x 11” paper. Margins must be 1 1/4 inch on the left and one inch on the right, top, and bottom, including footnotes. Indented quotations may be single-spaced.
- b) Typeface must be 12-point Times New Roman font.
- c) Footnotes may be 10-point Times New Roman font. Footnotes may not be employed to compress more than a reasonable amount of material into thirty-six pages. Excessive or abusive use of footnotes will be penalized as outlined in Rule 8.6(b).
- d) Cover pages must conform to the relevant United States Supreme Court rules regarding form except that only the team’s identification number shall be used and no names, addresses, or school affiliations shall be disclosed. The brief shall not be signed.
- e) Each brief shall have the following sections in this order: table of contents; table(s) of authorities; questions presented; statement of the case (subdivided into a statement of the proceedings and a statement of the facts); summary of argument (optional); argument; and conclusion. Only the language of applicable constitutional provisions, statutes, or regulations may be included in appendices. The 36-page limit prescribed in Rule 8.2(a) does not include the table of contents, table(s) of authorities, or appendices.
- f) Briefs cannot contain team members’ names or schools. In addition to their briefs, teams must file a signed certificate of service (on a separate piece of paper) indicating

their names, addresses, team identification number, and filing date. This certificate can either be in hard copy or electronic copy (with an electronic signature). Briefs received without a certificate of service will be deemed to not have been filed. No reply brief is permitted.

g) Citations must conform to rules in either the latest edition of The Bluebook, a Uniform System of Citation, or the current edition of the Association of Legal Writing Directors Citation Manual (ALWD). Only one form of citation rules can be used within one brief.

RULE 8.3 – Service

a) Each team’s brief must be submitted online in .pdf format by the brief submission deadline as set forth in Rule 13.6(c). Briefs from teams from the same law school must be submitted separately.

b) A team may not, for any reason, revise its brief after submission to the competition.

c) All briefs will be posted on the host school’s moot court competition website at least two (2) weeks prior to oral arguments. Judges will be under no obligation to read them. Competitors are strongly discouraged from referring to passages in the other competitors’ briefs during oral arguments.

RULE 8.4 – Preparation

a) Only team members can prepare and write briefs. Team members must strive to contribute equally to the brief writing and no one can prepare the brief by him or herself.

b) Between the release of the problem and submission of the team's brief, no team may receive substantive or stylistic assistance, including assistance from or comparison with other competing teams.

c) A team may receive secretarial or clerical assistance, provided that such assistance is strictly limited to typing, assembling, filing, and other logistical preparation of the brief.

d) This rule does not preclude a faculty advisor or sponsor from selecting students to form a team, provided that each team member participate in preparing and writing the brief and follow Rule 8.4(b) regarding substantive or stylistic assistance.

RULE 8.5 – Scoring

a) Each brief will be anonymously scored by a panel of three judges selected by the host school and/or Competition Administrator.

b) Brief judges may not judge any team’s practice rounds or otherwise discuss the problem with participants, team faculty advisors, coaches, or other persons directly associated with preparing teams for competition.

c) Each brief judge shall spend the same amount of time on each brief and shall meet all deadlines imposed by the host school and/or Competition Administrator.

d) Brief scores will be tabulated according to Appendix A: Scoring.

RULE 8.6 – Penalties

a) Briefs longer than thirty-six pages will be given a score of zero.

b) Excessive or abusive use of footnotes will be penalized 5-10 points.

c) Briefs submitted after the brief submission deadline will not be accepted. The team will be disqualified from the competition and forfeit their registration fee. No membership dues will be returned.

d) Plagiarism will not be tolerated and is grounds for disqualification from the competition. Each member of the team assumes the responsibility for the accuracy and content of their team’s brief. The Board of Directors and host school will report violations to the law school of the violating team.

e) Penalties for other rule violations in submission or format will be administered according to the procedures adopted by NNALSA.

SECTION 9 – ORAL ARGUMENTS

RULE 9.1 – Preparation and Assistance

a) Teams may prepare and/or practice their oral arguments and receive substantive and stylistic critiques and assistance (from anyone, including faculty members and members of other teams) only after they file their briefs. This rule shall not limit the class of persons eligible to offer said critiques, but if these individuals and other teams are outside the law school of the team seeking assistance, they are subject to the following restrictions:

1) Under no circumstances may the teams reveal their team numbers to practice judges or to each other;

2) The teams shall not reveal which side they briefed; and

3) The judges of practice rounds shall not be registered to judge and may not register to judge the competition.

RULE 9.2 – Recordings

Teams may make audio or video recordings of their oral argument rounds if they use their own equipment but no special accommodations will be made for those teams. At the end of the round, the bailiff will deliver the recording to the tabulation room where it will be held until the end of the competition. Recordings must be labeled only with the team

identification number. Neither NNALSA nor the host school assumes any responsibility for loss or damage to the recording.

RULE 9.3 – Spectators

- a) Space permitting, non-competitors, are allowed to watch any round of the competition, with the exception of coaches as set forth in Rule 7.1(c). However, spectators are not allowed to share information with competitors or team coaches. Competitors are not allowed to ask for or receive information from spectators.
- b) Until they are eliminated from the competition, competitors may not observe or receive any information about other teams’ oral argument rounds. Competitors may not observe other teams’ oral argument rounds during preliminary rounds even if they have a “bye.”
- c) Spectators shall take care not to disturb oral arguments while entering or leaving the room.

RULE 9.4 – Prohibited Behavior

- a) Team members shall not communicate with the oralist at the podium.
- b) Disruptive conduct at counsel table is prohibited.

RULE 9.5 – Time Limits and Rebuttal

- a) Time limits will be strictly enforced. Each team must argue for a total of 26-30 minutes. Each oralist must argue for at least 13 minutes and no more than 17 minutes. Bailiffs will serve as timekeepers and keep written time records. At the appropriate times, bailiffs will display cards to indicate when 5 minutes, 3 minutes, 1 minute, and 30 seconds remain. Bailiffs will display a “Stop” card and orally declare “Stop” when no time is remaining. Neither oralists nor judges are permitted to request or grant additional speaking time. Oralists and teams who go over or under the allotted time will be penalized in accordance with Rule 9.6, with evidence of time violations taken from the bailiff’s records. The statement of “thank you” by a student competitor after a bailiff orally declares “Stop” will not constitute the competitor going over the prescribed time limit.
- b) Appellant can reserve up to 4 minutes (included in the required 13-17 minutes outlined above in Rule 9.5(a)) for rebuttal and must notify the bailiff before the round and notify the court at the beginning of the round. Judges may not allow any additional time beyond the allotted 4 minutes. The purpose of a rebuttal is to respond to the Appellees’/Respondents’ arguments, and it is inappropriate to introduce new arguments. No surrebuttals by Appellees/Respondents are permitted. The whole rebuttal is to be argued by one oralist.

RULE 9.6 – Time Violations and Penalties

The bailiff’s time records will be used to tabulate penalties stemming from time violations:

a) Oralists failing to speak for the requisite 13 minutes will be penalized. If they speak less than 12 minutes 30 seconds, they shall be penalized 5 points. If they speak between 12 minutes 30 seconds and 13 minutes, they shall be penalized 2 points.

b) Oralists exceeding the 17-minute time limit will be penalized. If they speak more than 17 minutes 30 seconds, they shall be penalized 5 points. If they speak between 17 minutes and 17 minutes 30 seconds, they shall be penalized 2 points.

RULE 9.7 – Preliminary Rounds and Scoring

a) Each team will compete in at least two preliminary rounds.

b) During preliminary rounds, each team is required to argue the Appellants'/Petitioners' side at least once and the Appellees'/Respondents' side at least once.

c) Teams shall be randomly paired against different teams in each preliminary round.

d) Teams from the same school may be paired against one another only if no alternative is available.

e) Each team's oral argument-round score shall be calculated according to the criteria set forth in Appendix A: Scoring.

RULE 9.8 – Elimination Rounds

a) At the conclusion of the preliminary rounds, the 16 teams with the highest cumulative score under as outlined in Appendix A: Scoring shall advance to the elimination rounds. In the event of a tie, advancing teams will be determined based on the tie-breakers outlined in Appendix A: Scoring. Teams will be seeded according to highest and lowest cumulative score as outlined in Appendix A: Scoring. The team in first position (with the highest cumulative preliminary score) will be paired with the team in 16th position (the 16th highest cumulative preliminary score), and so forth so that the eighth position team will be paired with the ninth. The team with the higher seed will choose whether they will argue on or off brief.

b) Each team's cumulative elimination-round score shall be calculated as set out in Appendix A: Scoring.

c) Teams will be eliminated according to the results of their head-to-head match-up. In the event of a tie, advancing teams will be determined based on the tie-breakers outlined in Appendix A: Scoring.

d) The eight (8) teams that win in the first elimination rounds shall advance to the quarterfinal round. A coin toss shall determine which team decides whether to argue on or off brief, unless the teams have already argued against each other, in which case they shall argue the opposite sides from which they previously argued.

e) The four (4) teams that win in the quarterfinal round shall advance to the semi-final round. A coin toss shall determine which team decides whether to argue on or off brief, unless the teams have already argued against each other, in which case they shall argue the opposite sides from which they previously argued.

f) The two teams that win in the semi-final round shall advance to the final round. A coin toss shall determine which team decides whether to argue on or off brief, unless the teams have already argued against each other, in which case they shall argue the opposite sides from which they previously argued.

g) The winning team of the final round shall be declared the competition winner.

RULE 9.9 – Availability of Score Sheets

At the conclusion of the final preliminary round, score sheets will be available from the Competition Administrator.

RULE 9.10 – Ghost Teams

The host school shall provide a ghost team. Before the conclusion of the competition, the identity of ghost teams will not be revealed to anyone except members of the host school's coordinating committee and the Rules Committee. Judges shall not be informed of the identity of the ghost teams.

SECTION 10 – AWARDS

RULE 10.1 – Announcement of Competition Results

a) Results of the brief competition will be announced at the conclusion of the competition.

b) The sixteen teams advancing to the elimination rounds will be announced after the conclusion of the preliminary rounds.

c) Except for the preliminary and final rounds, results of each round will be announced when all scores are received and tabulated.

d) The winners of the final round will be announced at the conclusion of the competition.

RULE 10.2 – Awards

First, Second, and Third place awards shall be presented in the following categories:

a) Best Overall Advocates: Awarded to the top three (3) teams as determined by the oral advocacy competition.

b) Best Written Advocates: Awarded to the top three (3) teams based on average brief score.

c) Best Spoken Advocate: Awarded to the top three (3) oralists based on cumulative oral

argument scores from the preliminary rounds. The top award in this category is to be named the “G. William Rice Best Oralist” award.

RULE 10.3 – Awards Trophies

The host school and/or Competition Administrator shall provide the award trophies for each award category.

SECTION 11 – GRIEVANCES

RULE 11.1 – Procedure

a) Only student competitors (“the complainant”) may file a Grievance Form. A Grievance Form will be available after the announcement of the 16 teams advancing to the elimination-round. The complainant must clearly state the entire grievance or complaint in the space provided. Grievances or other inquiries from non-student competitors are not allowed.

b) The complainant shall submit a completed Grievance Form to the Competition Administrator either in person or via email within two (2) hours after the announcement of the 16 teams advancing to the elimination round. Any grievances during the elimination rounds should be made immediately to the Competition Administrator. No grievance forms will be accepted after the conclusion of the competition.

c) The Competition Administrator will bring the complaint before the Rules Committee for a decision. The Rules Committee may request those involved to answer questions or give information concerning the complaint. Any questions or information gathered must be done in the presence of the full Rules Committee.

d) The Rules Committee will make a decision in accordance with Rule 2.4(c). A decision will be made within a reasonable amount of time and the concerned parties will be notified. Decisions affecting the structure of the competition or causing a delay will be communicated promptly to all competitors, judges, and bailiffs. The decisions of the Rules Committee and/or the Competition Administrator are final.

RULE 11.2 – Frivolous Complaint

Frivolous Complaint. Teams that are found to be filing frivolous complaints will lose ten points per frivolous complaint. The determination of a frivolous complaint is at the discretion of the Competition Administrator.

SECTION 12 – HOST SCHOOL BIDDING PROCESS

RULE 12.1 – Solicitation of Bids

The Board of Directors shall accept bids at any time.

RULE 12.2 – Publication of Bids

Chapters are strongly encouraged to compile bid packages that are accessible via the NNALSA website. Chapters will have an opportunity to present their bid to the NNALSA general membership during the Annual Meeting.

RULE 12.3 – Content of Bid Package

Bid packages shall include a letter from the prospective problem author as outlined in Rule 14.2(a) and a letter in support of the bid from the law school administration. Bid packages may contain details of pledged sponsorship, support from law school faculty and prospective judges, a description of law school facilities, areas of local interest, social events, and other relevant information. Host schools may choose run a Continuing Legal Education (CLE) program in conjunction with the competition.

RULE 12.4 – Procedure

At the NNALSA business meeting (during the NNALSA Annual Meeting), the Board of Directors shall allow time for prospective host schools to announce their bids to the general membership. Prospective host schools are encouraged to professionally present and promote their bid packages to the membership in order to garner support for their bids.

a) The general membership will vote on host school bids according to procedures set forth by the Executive Board and/or the bylaws.

b) The President will announce the winning bid at the earliest official NNALSA event after the votes have been counted and recorded according to the Board of Directors and/or the bylaws.

c) Once the bid has been awarded, and before the end of the Annual Meeting, the host school and the Board of Director’s Moot Court Rules Committee will meet to discuss the administration, rules, and schedule of the competition.

SECTION 13 – HOST SCHOOL DUTIES

RULE 13.1 – Partnership with NNALSA

NNALSA and the host school shall work together to ensure a successful competition.

RULE 13.2 – Host School Compliance with these Rules

The host school shall comply with these rules.

RULE 13.3 – Assistance from NNALSA

If the host school has difficulty meeting their objectives, deadlines, or goals, they shall contact the Competition Administrator, who shall immediately bring the problem to the attention of the Rules Committee. Together, the Rules Committee, Competition Administrator and host school will decide the course of action necessary to preserve the fairness and integrity of the competition.

RULE 13.4 – Orientations

The host school and Competition Administrator are required to hold competitors', judges', and bailiffs' orientations at the start of the competition, in order to, among other things, clarify rules and answer any questions. The orientations are to be directed by Rules Committee members who are NNALSA Board members. Competitors must be present at their respective orientation session.

RULE 13.5 – Guidebook

The host school, with the assistance of the Competition Administrator, shall keep a guidebook for planning and organizing the competition. Each host school will transfer the guidebook to the next bid winner at the Annual Meeting. At a minimum, the guidebook must contain the following:

- a) A list of all judges who participated in the competition, as well as judges who were contacted but unable to participate.
- b) A checklist of all host school actions and completion dates for those actions.
- c) A copy of all form letters used by the host school in connection with the competition.
- d) A timeline for completion of actions necessary to organize and operate the competition.
- e) A logbook of problems, challenges and successes encountered in organizing and operating the competition, as well as how each was overcome or attained.
- f) The host school's suggestions for improvement and success of the next competition.
- g) A complete and detailed report of the host school's budget and all fundraising efforts, including contact information for sponsors. The report should include a note regarding which efforts were most successful and why they were successful.
- h) Contact information for all members involved in planning the competition, including all professionals, especially those with expertise in Indian law, who were consulted or who gave advice on how to organize and operate the competition.

RULE 13.6 – Timeline

- a) The host school and/or Competition Administrator will announce the dates of the competition by September 15.
- b) The problem will be released by November 20.
- c) Registration will be due December 15 and teams will receive their numbers after registration closes.

d) Briefs are due by the second Monday in January. Briefs must be submitted by this date as set forth in Rule 8.1.

e) The host school shall release CLE information by December 15, if applicable.

SECTION 14 – PROBLEM

RULE 14.1 – Scope

The problem shall address timely issues in federal Indian law and/or tribal law and governance and must follow the format of a national moot court competition by providing an even number of issues that may be argued in an appellate court-like structure.

RULE 14.2 – Problem Author

a) The problem shall be authored by a full-time faculty member of the host school. The author shall have a Juris Doctorate degree and specialize in Indian law. The author shall submit a letter to the NNALSA membership announcing his or her intent to author the problem which must be included in the host school's bid package. The author is encouraged to participate in the bidding process outlined in Section 13.

b) If the author cannot fulfill the authorship duties, the host school shall replace the author with an alternate in accordance with the criteria in Rule 14.2(a). Both the author and the host school shall submit the substitution to the rules committee. The Rules Committee will then post the substitute author's letter of intent to the NNALSA and host school websites.

c) The host school and/or Competition Administrator, in conjunction with the author, shall choose a panel of at least three (3) of the author's peers to review the problem before the official problem release. The review panel may make comments and suggestions and the author shall have a chance to incorporate any changes, if he or she chooses, before the official problem release.

d) The author shall strive to draft a problem with issues evenly divided for team competition.

e) The author shall give the completed problem to a designated host school moot court committee member three (3) days before the official problem release. The designated member shall forward an electronic copy of the problem to the Competition Administrator two (2) days before the problem release. The designated member must make the appropriate arrangements with the host school's information technology department before the problem release to ensure that the problem is posted to the host school's website on the release date.

f) The author will write a 1-page suggested questions memorandum, which will be given to judges at their orientation session. The memorandum shall have an equal number of questions for Appellants/Petitioners and Appellees/Respondents.

RULE 14.3 – Bench Brief Author

- a) The author of the bench brief shall preferably be the problem author. If the author cannot write the bench brief, the host school and/or Competition Administrator shall appoint a person or persons to author the bench brief. A person with a Juris Doctorate degree and specializes in Indian law shall edit the bench brief. The same panel that reviews the problem shall review the bench brief before it is disseminated to the oral argument judges.
- b) The bench brief author shall not participate as a judge in the competition.
- c) The bench brief will be mailed via postal service or e-mail to the oral argument judges at least two (2) weeks before the first round of oral arguments.
- d) Copies of the bench brief will also be made available to judges at their orientation session.
- e) The bench brief will also be distributed to the brief judges as part of their judging package.

RULE 14.4 – Confidentiality of Problem, Bench Brief, and Suggested Questions Memorandum

- a) Before its official release, the problem will not be made available to anyone except the Competition Administrator and the non-competing members of the host school’s planning committee who are designated to receive the problem.
- b) Neither the bench brief nor the suggested questions memorandum will be available or shown to competitors, team faculty advisors, coaches, or other persons associated with preparing a team for competition until those documents are officially released by the host school and/or Competition Administrator after the competition and after the briefs have been returned to the teams.

SECTION 15 – JUDGES

RULE 15.1 – Selection Criteria

- a) Competition judges must fit one of the following categories: (1) passed a federal, state, and/or tribal bar exam, and is a current member of a bar in good standing; (2) currently a sitting judge or served as a judge for at least 2 of the previous 5 years; (3) law school graduate currently clerking for a tribal, state, or federal judge; or (4) full-time law professor.
- b) Team faculty advisors, coaches, or other persons directly associated with preparing the teams are ineligible to be competition judges.

RULE 15.2 – Judges’ Orientation Session

- a) All oral argument judges must attend the judges’ orientation session administered by

NNALSA and the host school, unless special arrangements are made with the host school and/or Competition Administrator.

b) The judges shall be oriented to the facilities, instructed on rules and scoring procedures, and given copies of the bench brief.

RULE 15.3 – Recusal of Oral Argument Judges

a) If a judge knows a competitor or feels for any reason that he or she will not be able to fairly and impartially judge a round, the judge shall recuse him- or herself at his or her own discretion.

b) If a judge decides to recuse him or herself, he or she shall immediately inform the bailiff before the round begins.

c) The bailiff will immediately notify the host school and/or Competition Administrator to promptly exchange judges.

RULE 15.4 – Judge’s Role

a) All oral argument rounds except the final round will be judged by a panel of three (3) oral argument judges selected by the host school and/or Competition Administrator. The final round shall be judged by a panel of no fewer than five (5) oral argument judges selected by the host school and/or Competition Administrator.

b) No judge serving as a full-time faculty member of the host school is permitted to judge a preliminary oral argument-round where a team from the host school is participating.

c) Judges do not have discretion in authorizing time extensions. If the speaker exceeds the maximum time discussed in Rule 9.5(a), a mandatory penalty will apply as set forth in Rule 9.6.

Appendix A: Scoring

Brief Scoring:

- 1) Scoring will be divided by category: structure and substance.
- 2) Briefs will be scored by a 3-judge panel for each category.
- 3) Final brief score will be determined by adding the categories together. This will be the score used during the Oral competition.
- 4) Structure Scoring will be based on grammar, punctuation, and spelling. This category will also include logical organization, proper bluebook, Uniform System of Citation, or the current edition of the Association of Legal Writing Directors Citation Manual (ALWD) form.
- 5) Substance Scoring will be based on the correct usage of the facts, relevant appellate decisions, and understanding of the Indian law issues. This category will also include effective anticipation of major counter-arguments, proper analysis and application of legal principles, effective use of relevant materials, and a statement of the case that foreshadows the legal arguments to come.
- 6) The Formula:
 - A = Structure Panel: Score 1 + Score 2 + Score 3
 - B = Substance Panel: Score 1 + Score 2 + Score 3
 - A + B = Final Brief Score

Preliminary Rounds:

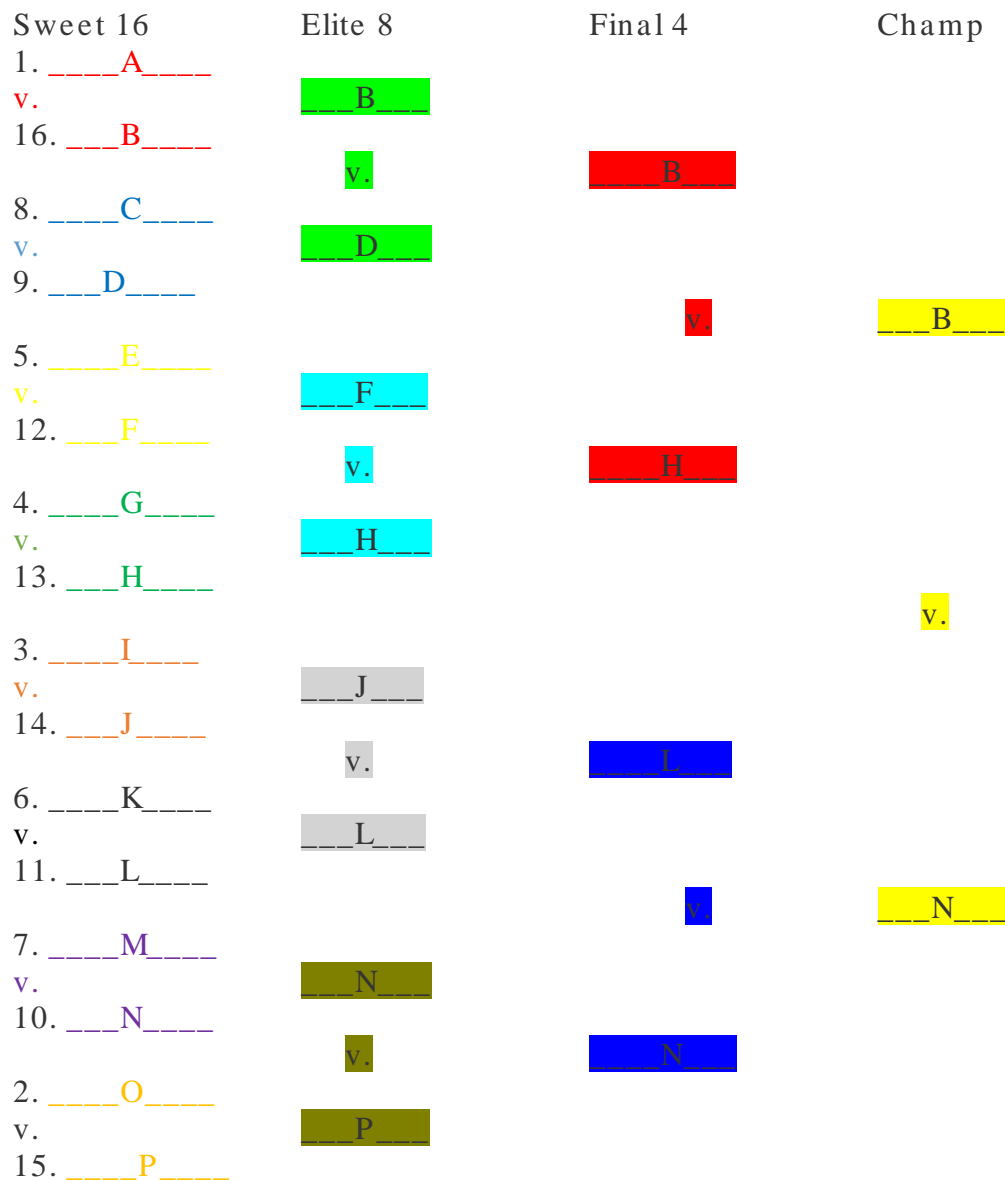
- 1) Teams will be randomly paired during the two preliminary rounds.
 - a. In Round 1 teams will be assigned as either Appellant/Petitioner or Appellee/Respondent.
 - b. In Round 2 teams will switch sides and face a different random opponent.
- 2) At the conclusion of the two Preliminary Rounds, the cumulative total of the teams' oral argument scores will be added to the Final Brief Score (Round 1 + Round 2 + Final Brief Score). This Total Cumulative Score will be what determines which teams advance to the elimination rounds.
- 3) The preliminary round scores are against the field; meaning that the top sixteen teams from the field will advance to the elimination rounds, based on the Total Cumulative Scores.
- 4) In case of a tie, the following tie-breakers shall be used in order to determine the advancing teams and their seeds:
 - a. Best Brief (based on Final Brief Score)
 - b. Best Oral Score (highest team score for a single round)
 - c. Opponent Difficulty (based on the cumulative oral scores of opposing teams. The higher "OD" wins the tie-break)

Elimination Rounds:

- 1) Teams will be seeded based on Total Cumulative Score from preliminary rounds.
- 2) Bracketing will pair 1 v. 16; 2 v. 15; 3 v. 14; 4 v. 13; 5 v. 12; 6 v. 11; 7 v. 10; 8 v. 9.
- 3) Teams will advance in each elimination-round based on the results of their head-to-head matchups. These rounds are not against the field.

- 4) The winner of each head-to-head matchup will be determined based exclusively off of the cumulative oral argument scores for that round, unless there is a tie.
- 5) In case of a tie, the following tie-breakers shall be used in order to determine the advancing teams:
 - a. Best Brief (based on Final Brief Score)
 - b. Best Individual Oralist from that Round.

Example Bracket:



Bailiff Timekeeping Sheet

Round _____ Room _____
Petitioner ID # _____ v. Respondent ID # _____

Instructions: *This information will be used to determine whether the competitors complied with the rules, so it is important to be accurate. Before each round begins, the teams must notify you as to how they plan to divide up their time. Use that to determine when to give the time remaining warnings. Be sure to note the actual stop time for each competitor.*

Petitioner 1 _____
Time Allotted (13-17 minutes) _____
Start Time: _____
Time for
 5 min Warning _____
 2 min Warning _____
 1 min Warning _____
 30 sec Warning _____
 Stop Time _____
Actual Stop Time _____

Petitioner 2 _____
Time Allotted (13-17 minutes) _____
Start Time: _____
Time for
 5 min Warning _____
 2 min Warning _____
 1 min Warning _____
 30 sec Warning _____
 Stop Time _____
Actual Stop Time _____

Rebuttal _____
Time Reserved _____
Start Time _____
Time for
 2 min Warning _____
 1 min Warning _____
 Stop Time _____
Actual Stop Time _____

Respondent 1 _____
Time Allotted (13-17 min) _____
Start Time: _____
Time for
 5 min Warning _____
 2 min Warning _____
 1 min Warning _____
 Stop Time _____
Actual Stop Time _____

Respondent 2 _____
Time Allotted (13-17 min) _____
Start Time: _____
Time for
 5 min Warning _____
 2 min Warning _____
 1 min Warning _____
 Stop Time _____
Actual Stop Time _____

Bailiff Printed Name _____
Bailiff Signature _____

**Brief Score Sheet
(Structure)**

Team # _____

Judge # _____

Instructions: *Please score the brief using the categories below. Each category is worth 25 points (whole numbers only, please), for a total possible score of 50 points. We have provided you with some suggested guidelines to consider in assigning points for each category. You are not required to make written comments, but we have provided space should you wish to do so. Please note that this score sheet has a reverse side.*

| Poor | Fair | Competent | Good | Exceptional |
|---|--|--|---|--|
| 1-5 | 6-10 | 11-15 | 16-20 | 21-25 |
| Must improve technical skills; needs help in persuasive writing | Lacks polish; needs improvement; citations need work | Professional and respectful; did not overuse passive voice; no significant flaws in spelling, grammar, punctuation, or citation. | Particularly solid brief; Logically makes sense; No obvious structural errors | Unique; extremely well put together; makes excellent logical sense; perfect or near perfect citations; advanced writing skills |

CATEGORY 1: Style and Professionalism

Score _____
(1 – 25)

- Does the brief use proper grammar, spelling, and punctuation?
- Is the brief well-written (i.e. word choice, sentence structure, ease of reading)?
- Is the brief respectful to the court and to opposing counsel?
- Does the brief correctly cite the decisions and the record? (Citations must conform to the latest edition of the Bluebook, the Association of Legal Writing Directors Citation Manual (ALWD), or a Uniform System of Citation).
*** Only one form of citation may be used within the brief.
- Is the brief neat and technically precise?

CATEGORY 2: Technical Requirements

Score _____
(1 – 25)

Does the brief contain the correct cover? Cover pages must conform to the relevant United States Supreme Court rules regarding form except that only the team’s identification number shall be used, and no names, addresses, or school affiliations shall be disclosed. The brief shall not be signed.

- Does the brief contain the required sections? (in order):
 - Table of Contents
 - Table of Authorities
 - Questions Presented

Statement of the Case (subdivided into statement of proceedings and statement of the facts)

Argument

Conclusion

Competitors may include, at their option, a Summary of the Argument (placed between the statement of the case and the argument) and an Appendix (only to include the language of applicable constitutional provisions, statutes, or regulations).

Are the margins correct? Margins must be 1 ¼ on the left and 1” on the right, top, and bottom, including footnotes. Indented quotations may be single-spaced, the rest should be double-spaced.

Typeface must be 12-point Times New Roman font. Footnotes may be in 10-point Times New Roman font. Footnotes may not be employed to compress more than a reasonable amount of material into thirty-six pages. Excessive or abusive use of footnotes will be penalized as outlined in Rule 8.5(b).

Subtotal _____

Determine whether any penalties must be assessed:

1. Is the brief longer than thirty-six pages (Not including the cover page, table of contents, table of authorities, or appendices)? If the brief is longer than thirty-six pages, it must be given a score of zero.
2. Excessive or abusive use of footnotes will be penalized 5 – 10 points. _____

TOTAL SCORE _____

Comments:

**Brief Score Sheet
(Substance)**

Team # _____

Judge # _____

Instructions: *Please score the brief using the categories below. Each category is worth 25 points (whole numbers only, please), for a total possible score of 75 points. We have provided you with some suggested guidelines to consider in assigning points for each category. You are not required to make written comments, but we have provided space should you wish to do so. Please note that this score sheet has a reverse side.*

| Poor | Fair | Competent | Good | Excellent |
|--|--|---|---|--|
| 1-5 | 6-10 | 11-15 | 16-20 | 21-25 |
| Must improve understanding of issues; Needs help in persuasive writing | Lacks polish; needs improvement; misunderstood some issues or failed to present the client's position satisfactorily | Adequate presentation and representation of client's position; persuasive writing is adequate | Particularly solid brief; effective ideas; above average understanding of the law | Unique, extremely persuasive and outstanding use of authority; advanced understanding of the law |

CATEGORY 1: Table of Contents, Introduction, and Questions Presented Score _____
(1 – 25)

- Are the issues framed concisely and intelligibly?
- Do the headings advance the argument?
- Does the brief use the “Questions Presented” as an advocacy opportunity?
If so, does it strike the right balance between advocacy and accuracy?
- Does the introduction summarize the argument persuasively?

CATEGORY 2: Statement of the Case Score _____
(1 – 25)

- Does the Statement of the Case avoid distorting or misusing the facts?
- Does the Statement of the Case include only relevant material?
- Does the Statement of the Case foreshadow the legal arguments?

CATEGORY 3: Legal Argument Score _____
(1 – 25)

- Does the brief use relevant decisions?
- Does the brief strike a balance between application of legal principles and factual case comparisons?
- Does the brief effectively anticipate major counter-arguments?
- Are the arguments and organization lucid and logical?
- Is the argument persuasive?

TOTAL SCORE _____

Comments:

National NALSA Moot Court Competition
Oral Argument Score Sheet Instructions

Round _____ Room _____ Judge _____
 Team ID # _____ Petitioner/Respondent (Circle One)
 Oralist 1 _____ Oralist 2 _____

Instructions: *The actual score sheet is a separate page. Please complete one score sheet per team. Please evaluate each oralist in each of the five (5) categories by assigning a point value from 1 – 10 for a maximum score of 50 points. Please only use whole numbers in your scores. We have provided below some suggested guidelines to consider in assigning the points for each category.*

You are not required to make written comments, but we have provided space should you wish to do so. Please feel free to give constructive critiques, but do not disclose your scores or your rankings to any of the oralists. The advancement of any team is based upon the oral argument scores as well as the team’s brief, which was scored earlier.

TIMING IS CRITICAL. PLEASE TRY TO START YOUR ROUND PROMPTLY AT THE DESIGNATED TIME AND CONCLUDE YOUR COMMENT TIME NO LATER THAT THE CUT-OFF TIME.

Please do not, at any point, inquire what school the competitors are from.

Scoring Guidelines:

| Poor | Fair | Competent | Good | Excellent |
|--|---|---|---|---|
| 1-2 | 3-4 | 5-6 | 7-8 | 9-10 |
| Needs improvement; misunderstood some issues or failed to present client’s position satisfactorily | Solid effort; effective ideas, but needs polish and better development of ideas and arguments | A few errors; maintained quality of argument; focused on pertinent issues | Adequate presentation and representation of client’s position; no significant flaws in the argument | Consistent and well-organized; very persuasive and high-quality presentation; effective in advocating client’s position |

SCORE SHEET HAS TWO SIDES

National NALSA Moot Court Competition
Oral Argument Score Sheet

Round _____ Team ID _____ Petitioner/Respondent
 (Circle One)

Oralist 1 _____ Oralist 2 _____

Oralist 1

Oralist 2

Category 1: Opening

Introduces self, identifies client and relief sought
 Identifies issues in a persuasive way
 Provides a road map of argument
 Provides theory of case and organizing theme
 Transitions smoothly into first issue

Category 2: Presentation of Merits

Focused on the important issues
 Made well-reasoned arguments
 Organized arguments well
 Demonstrated mastery of facts
 Exhibited knowledge of relevant precedent and policy
 Effectively maintained a theme

Category 3: Response to Questions from Bench

Stopped talking immediately when judge spoke
 Responded effectively and returned to argument
 Was prepared for likely questions
 Responded to questions respectfully

Category 4: Conclusion, Rebuttal, Time Management

Structured argument to concentrate on strongest points
 Adjusted presentation as needed in response to time signals
 To the degree time permitted, made effective use of closing
 Used rebuttal effectively (as opposed to a “canned” speech)

Category 5: Style and Demeanor

Presented the argument smoothly and confidently
 Minimized the use of notes
 Maintained eye contact and appropriate gestures
 Avoided distracting fillers (i.e. “umm”; “uhh” etc.)
 Avoided unnecessary shifting or fidgeting
 Observed appropriate courtroom etiquette

Subtotal:

Penalties *(Consult Bailiff's Timesheet)*
Spoke less than 13 minutes? More than 17 minutes?
Deduct 2 points if violation was 0-30 seconds
Deduct 5 points if > 30 seconds

TOTAL:

Comments for the oralists: