



# HNBA/VIA 27th Annual Uvaldo Herrera National Moot Court Competition

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## **RULES AND PROCEDURES**

**Virtual Competition**

**March 15 – 18, 2022**

### **A. ADMINISTRATION**

#### **1. Organization**

The Hispanic National Bar Association (“HNBA”) and HNBA VIA Fund (“VIA”) National Moot Court Competition (“Competition”) is named for the late Uvaldo Herrera, Esquire, a Mexican American attorney who served many years as an HNBA leader with an unwavering dedication and service to law students and the law. Mr. Herrera’s dedication and commitment was directed towards ensuring the enduring success of the Competition as a tool for the development of oral, written, and scholarly skills of Hispanic law students.

The Competition is held each year in conjunction with the HNBA/VIA Corporate Counsel Conference, which meets in various cities across the nation. Due to global COVID-19 pandemic, the 2022 Competition will be held virtually on March 15 – 18. The Competition is administered and implemented by the HNBA Judicial Division (“Judicial Division”).<sup>1</sup>

#### **2. Scope of Rules**

These rules and procedures apply to all aspects of the Competition.

#### **3. Director of Competition**

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<sup>1</sup> The Judicial Division consists of federal, state and local judges, as well as administrative judges. The Judicial Division operates under its own legal structure and is not involved in the legislative advocacy or fundraising efforts of the HNBA.

The Chair(s) of the Judicial Division shall, with the advice and consent of the Judicial Division, appoint a member of the Judicial Division to serve as Director of the Competition (“Director”). The Director shall be responsible for interpreting the rules and procedures of the Competition, and may consult with other parties for purposes of achieving a just decision. The Director also oversees all aspects of the Competition as set forth in these rules. A dispute concerning the Director’s interpretation of the rules or procedures of the Competition shall be heard by the Dispute Settlement Body (“DSB”).

#### **4. Dispute Settlement Body**

The Chair(s) of the Judicial Division shall, with the advice and consent of the Judicial Division, appoint three (3) members of the Judicial Division to serve as members of the DSB. Each member of the DSB shall be entitled to one (1) vote. The DSB shall elect a member among them to serve as Chair of the DSB. The DSB shall, as soon as practicable, resolve all controversies concerning the conduct and operation of the Competition. To the extent necessary, and solely upon the discretion of the DSB, the DSB may consult with other parties for purposes of achieving a just resolution of the issue at hand. All decisions of the DSB shall be final and non-appealable.

#### **5. Registration, Deadlines, and Moot Court Problem**

All applicable dates and other official news of the Competition, including registration deadlines are communicated and posted on the HNBA website at <https://www.hnba.com>. All participants of the Competition are obligated to monitor the Competition website to account for changes and updates, including changes to the timeline. The moot court problem for the Competition will also be posted on the HNBA website.

### **B. ELIGIBILITY**

1. The Competition is open to all HNBA Law Student Division members enrolled in a full or part-time J.D. degree program at any law school in the United States and its Territories. Participants must be HNBA members as well as HNBA Law Student Division members at the time they register for the Competition. The HNBA registration form is available on the HNBA website at <https://www.hnba.com>.

2. The Competition is limited to 32 teams. Each team shall be selected by, or with the assistance of, the local Hispanic law student organization to the extent one exists at the applicable subject law school.

3. Current HNBA Law Student Division members who assist in planning or administering the Competition may not compete in the Competition.

### **C. TEAMS, REGISTRATION AND FEES**

1. A team must consist of at least two, and no more than three, law students attending the same law school. A team is not required to have a coach. In the event that a team chooses to have a coach, then a team may only have one coach. **To qualify for an Oral Advocate Award, the team member must argue in all of the preliminary rounds.** See ¶ 1.2.

2. An objective of the Competition is to give as many students from different law schools a chance to participate. If more than 32 teams register, the first 32 teams to either (1) complete an online registration form and submit the required registration fee or (2) mail in the registration form and registration fee (as outlined in Section C.3 below) shall be designated as teams eligible for the Competition. All other teams shall be placed on a waiting list in the order in which they submitted their registration and fee. For online registration, the submission date of registration materials, including the date of registration fee payment (date of credit card payment, or postmark date for check submissions) will determine a team's priority on the waitlist.

3. All teams must register online. Payment can be made by either credit card, check or money order. If a team chooses to pay by check or money order, the following procedure must be followed: (a) the team must register online, (b) select "check" or "other" as the payment method, and (c) mail the registration confirmation email, along with payment via US mail or express delivery service. The postmark date of mailed payments will determine a team's priority. Registration fees paid by check or money order shall be made payable to the HNBA and sent to:

**Hispanic National Bar Association  
2020 Pennsylvania Ave. NW, Suite 279  
Washington, D.C. 20006**

4. Except as provided in these rules, each school may only register one team. Law schools seeking to enter two teams shall notify, in writing, the Director via email at [cmartin@hnba.com](mailto:cmartin@hnba.com), as well as provide registration materials for the 2<sup>nd</sup> team and clearly designate the 1<sup>st</sup> as compared to the 2<sup>nd</sup> team. If less than 32 teams register by the registration deadline, the Director shall determine which law schools will be permitted to field a 2<sup>nd</sup> team. Priority for 2<sup>nd</sup> team selections shall be determined by the date the email with the 2<sup>nd</sup> team written notice is sent to the Director. Registration fees for 2<sup>nd</sup> teams selected to participate will become due upon notification to the law school of its eligibility to field a 2<sup>nd</sup> team.

5. Registration fees are \$650 per team and are normally non-refundable once registration has closed. A team may withdraw from the Competition after registration closes for hardship, health reasons, etc., by submitting a request in writing to the Director, vested with sole discretion

in ruling on the request. If approved, a full refund, minus a \$75 administrative fee will be issued. However, refunds will not be processed until *after* the Competition. A request for a refund will not be considered if it is received less than one week before the Competition.

6. At the discretion of the Director, if fewer than 32 teams register, additional teams from law schools which had not previously registered may be allowed to register for the Competition after the registration deadline with the understanding that all other Competition deadlines shall apply. The Director may extend an applicable deadline for extenuating circumstances, with such a decision subject to an appeal to the DSB.

7. Once a team is registered, the team may not substitute team members except as provided in this paragraph. Prior to the filing of its briefs, the Director may permit a team to substitute one or more team member(s) upon a showing of good cause. After briefs are filed, the Director may permit a team to substitute one or more team member(s) only upon a showing of extreme hardship, incapacity, or extenuating health reasons.

8. The Director will assign a team number to each team as its registration is deemed complete. Once team numbers are assigned, the sole method for identifying teams shall be by the number of each respective team. Participants, including coaches and other such related persons, shall not reveal the name of their law school to anyone involved in the planning or administration of the Competition, and must take extra care not to reveal this information to the Competition judges at any time prior to the conclusion of the Competition, including at oral argument or upon elimination from the Competition. Any breach of this obligation may result in a sanction, including elimination from the Competition.

#### **D. BRIEFS**

1. Once registered, each eligible team will be notified of whether it will represent Petitioner or Respondent in its brief. All team members must substantially participate in the preparation of the team's brief.

**2. BY SIGNING AND SUBMITTING THE ORIGINAL BRIEF AS DESCRIBED BELOW, EACH TEAM MEMBER CERTIFIES (1) THAT THE BRIEF HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES OF THE COMPETITION; (2) THAT IT REPRESENTS THE WORK PRODUCT OF TEAM MEMBERS ONLY (SEE SECTION J BELOW); (3) THAT TEAM MEMBERS HAVE NOT OBTAINED, ACCESSED, OR VIEWED THE BRIEFS OR PLEADINGS OF ACTUAL PARTIES OR AMICI ON WHICH THE MOOT COURT PROBLEM MAY BE BASED; AND, (4) THAT TEAM MEMBERS HAVE NOT OBTAINED, ACCESSED, OR VIEWED ANY VERBATIM REPORT OR OTHER DOCUMENT CONTAINING ORAL ARGUMENTS CITED IN THE MOOT COURT PROBLEM.**

3. Briefs must comply with the Rules of the Supreme Court of the United States, except as modified by these rules.

- a. Supreme Court Rules 24.2, 24.3 and 24.4 do not apply.
  - b. Supreme Court Rule 33 applies only for preparation of brief covers.
4. Briefs must be typed on 8 ½ by 11-inch letter format. Margins must be at least one inch on all sides of the page, excluding page numbers. Briefs must be typed using Courier New Font, type size 12 point. Line height shall be 0.167", which produces 6 single-spaced or 3 double-spaced lines per inch. All typed matter must be double-spaced, with the exception of footnotes, block quotes, and argument headings. Failure to comply with this rule will result in a deduction of 2 points from the team's final brief score.
5. Briefs may not exceed 25 pages in length, excluding the cover page, questions presented, table of contents, table of authorities, or appendices.
6. All citations must conform to the most recent edition of The Bluebook: A Uniform System of Citation, published by the Harvard Law Review Association. Citations to the record shall be in the following form: (R. at #).
7. Each team shall submit an electronic version, in PDF form, of both its original brief and a "clean" brief, to the attention of the Director, in care of the HNBA National Office as outlined in Section E.1 below. The original brief shall include the following in the lower right hand corner of the cover: (a) team member names, (b) the name of the law school, (c) team number, and (d) the hand-written signature of each team member.<sup>2</sup> The "clean" brief submitted to the Director shall include only a team number and the wording "clean brief" on the cover page, without any team member names, law school names, signatures, or any other identifying information anywhere within the brief, including the use of pseudonyms. Beyond the exclusion of such identifying information, the clean brief shall be an identical reproduction of the original brief.
8. Team members may not, *in their briefs or oral arguments*, use, access, read, or in any way rely, on any briefs and/or pleadings filed with any trial or appellate court by the actual parties or *amici* on which the moot court problem is based.
9. Team members may not use, access, read, listen to, or in any way rely on, any verbatim report, transcript, recordings or other document containing the oral argument of the actual parties or *amici* on which the moot court problem is based.
10. This is an open universe competition. Accordingly, except as limited herein (see Sections D.8 and D.9 above), briefs may include citation to sources beyond those cited in the moot court problem.

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<sup>2</sup> In the event a team member is absent from the law school at the time of the submission of the brief, the cover page with the additional signature(s) may be provided in counterparts, so long as all signatures are submitted prior to the deadline for the submission of briefs.

11. In the event that the Supreme Court of the United States publishes its decision prior to the date of the competition, neither the team members nor the judges may cite or reference to it. The only cases to be cited and/or referenced are the appellate trial court and appellate decisions leading up to the Supreme Court's decision. However, a team is not prohibited from reading the Supreme Court decision.

#### **E. FILING AND SERVICE OF BRIEFS**

1. Filing with the Judicial Division: Each team shall submit to the Director, in care of the HNBA National Office, two electronic versions of its brief (one original brief with the signatures and other identifying information on the cover page, and one "clean" brief with no identifying information whatsoever other than the team number assigned by the Director, as described in Section D.7 above) via email to [cmartin@hnba.com](mailto:cmartin@hnba.com). The briefs must be filed on or before the deadline for brief submission as posted on the HNBA website. A team's failure to file its brief in the time prescribed in these rules shall result in a two-point penalty for each day the brief is filed late, up to a maximum of 20 points of the team's final brief score.

2. Service on other teams: The HNBA National Office will provide Competition participants via email, a copy of all submitted "clean" briefs (Petitioner and Respondent) one week following the deadline for brief submission, or one week after their briefs are filed beyond the deadline date. No team which has not yet filed its brief will be provided with the other team's submitted briefs.

3. Once submitted, a brief may not be altered, exchanged or re-submitted.

#### **F. ORAL ARGUMENTS**

1. Oral arguments will take place on the dates and times designated on the HNBA's website.

2. Two (2) team members shall participate in each round of oral argument. For teams consisting of three members, each team member must participate in at least one of the two preliminary rounds of oral argument. Only team members, judges, and the bailiff participating in a particular round may enable their cameras during the round. Only the team's coach, and the team's third member, if applicable, may observe the oral argument, and they must have their camera disabled and microphone muted at all times.

3. Each team shall receive 25 minutes for oral argument, including rebuttal (for Petitioner teams only). Teams may divide the 25 minutes as they wish, except that no team member may reserve fewer than 10 minutes for his or her main argument, and Petitioner may not reserve more than 5 minutes for rebuttal. Each team, prior to the beginning of the round, is responsible

for informing the Bailiff present in the round how its time will be divided. The Bailiff will orally notify team members and Competition Judges when 5 minutes and 1 minute of the allotted time remain. The Competition Judges may, in their sole discretion, extend any speaker's time, with due consideration that other rounds of competition may be delayed by so doing.

4. Only Petitioners may reserve time for rebuttal. Only one team member may argue rebuttal, but that team member may rebut issues addressed by either Respondent.

5. Team members must identify themselves to the Competition Judges only by team number, individual names, and which side they represent. Team members must not reveal the name of their law school to Competition Judges. If a judge knows or is familiar with the law school or student(s) arguing at the round, the judge shall recuse himself or herself, and promptly inform the Director. The Director will then appoint another Competition Judge. Any team that mentions its law school's name will receive a 10-point deduction against its oral argument score for that round. Repeated violations may result in more severe sanctions, at the discretion of the DSB.

6. The Bailiff, designated by the Director, will administer each oral argument round. The Bailiff will assist judges who may have any difficulty with video and/or audio, or accessing the scoresheet link online. The Bailiff will also call the Court to order and keep time during the argument. Bailiffs shall not disclose the Competition Judges' scores or comments to anyone other than the Director and such persons as designated by the Director to receive such information.

7. Observation of the Competition shall be limited to only those involved in a particular round in the courtroom during that round. The phrase "those involved in a particular round" is limited to Competition personnel, Competition Judges, team members competing in the round, 3<sup>rd</sup> team member, if applicable, and the team's coach. No other persons (e.g., other teams' members and their classmates, friends, family members, or coaches) shall be allowed to view arguments in which they are not considered "involved" for purposes of this rule. No person, other than the Competition Judges, bailiff, and team members competing in the round, may enable their camera while observing any argument. The semi-final and final rounds will be live streamed.

8. During oral arguments, teams are permitted to cite to the case upon which the moot court problem is based, and similarly, there is no prohibition on citing trial court and appellate decisions leading up to the case on which the moot court problem is based. Competition Judges will be advised that questions relating to the case on which the moot court problem is based will be acceptable during oral argument. In the event that the Supreme Court of the United States publishes its decision prior to the date of the competition, neither the team members nor the judges may cite or reference to it. The only cases to be cited and/or referenced are the trial court and appellate decisions leading up to the Supreme Court's decision. However, a team is not prohibited from reading the Supreme Court decision.

## G. ORAL ARGUMENT PROCEDURE

1. On Friday, March 5, 2021, each team shall identify to the Director the designated team member who will be the contact person (“designated contact person”) for communication between the Competition and the team via email to [cmartin@hnba.com](mailto:cmartin@hnba.com). This designated contact person is required to provide a cell phone number and represents that he/she will be available to receive information immediately when something critical arises, and assumes full responsibility for communicating such information to all pertinent team members and/or for being available to represent the team when necessary. If at any time during the competition it is necessary for a team to update information or change the designated contact person, it must be submitted via email to [cmartin@hnba.com](mailto:cmartin@hnba.com). No other form of communication will be accepted. As a courtesy, the Director will strive to have teams advancing to the quarter-final rounds, semi-final rounds, and final rounds notified of such advancement through the designated contact person. However, the onus is still on each team to review postings online at [www.hnba.com](http://www.hnba.com) to ascertain team advancement and other important communications.

2. Rounds will be recorded for educational purposes only. By registering for this competition you consent to being recorded. Recordings will only be made available after the completion of the 2021 Corporate Counsel Conference. Recordings will not be used for review by the DSB under any circumstances.

3. Oral argument rounds will consist of preliminary rounds, quarter-final rounds, semi-final rounds, and a final round.

4. Each team will argue twice in the preliminary rounds, once “on-brief” and once “off-brief.” Teams will be assigned to the *first* of the preliminary round “brackets” based on their final brief scores. In the event of a tie in the final brief scores, the Director shall determine a team’s placement based on the order in which the two tied teams registered. The number of brackets will depend on the number of teams entering the Competition. The maximum number of brackets is 16, since the maximum number of teams is 32. Brackets will be designated with letters (e.g., Bracket A, Bracket B, etc.).<sup>3</sup> The team with the highest final brief score will be assigned to Bracket A, while the team with the second highest final brief score will be assigned to Bracket B, and so on. Ultimately, the team with the sixteenth highest score will be assigned to Bracket P (the final bracket). Thereafter, the remaining teams will fill in the brackets in reverse chronological order based on their final brief score. Accordingly, Bracket A will include the teams with the highest final brief score and the lowest final brief score, while Bracket P will include the

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<sup>3</sup> Thus, the highest possible bracket would be the 16<sup>th</sup> letter of the alphabet, Bracket P.

teams with the sixteenth and seventeenth highest final brief scores.<sup>4</sup> Teams will be assigned to the *second* of the preliminary round “brackets” based on their final brief scores (which will count for 50%) and on their average score from the first preliminary round (which will count for 50%). No team should argue against the same team in both preliminary rounds, and teams finding themselves in that situation should immediately notify the Director.

5. Uneven Teams: If necessary, due to an uneven number of teams, the Director may enter a “moot team” to ensure that every team has the opportunity to argue both sides of the case in the preliminary rounds. The “moot team” will not be identified as such to the Competition Judges. The “moot team” will not prepare a brief and will not be eligible to advance in the Competition. At the discretion of the Director, a team may also be randomly selected to argue without an opponent.

6. Based on the scoring formula described in Section H below, the 8 teams with the 8 highest overall scores from the preliminary rounds will advance to the quarter-final rounds. For the quarter-final rounds, the Director will pair teams by power-match.<sup>5</sup> The Director may, at the Director’s sole discretion, alter matches to prevent teams from arguing in the quarter-final round against their preliminary round opponents.

7. The winning team from each of the four quarter-final rounds will advance to the semi-final rounds. The Director will power-match teams for the semi-final rounds (see footnote 5). The winning team from each of the two semi-final round arguments will advance to the final round.

8. A virtual coin toss will determine whether Petitioner or Respondent will argue in the quarter-final, semi-final and final rounds. The Director will assign heads or tails. The team that wins the coin toss will select which side to argue. The coin will be tossed by the Director or the Director’s designee. The coin toss will ordinarily be held shortly after the scores have all been computed and the teams advancing to the next rounds have been identified. The various times for the coin toss will be posted on the Moot Court webpage. If an advancing team fails to have a team member or designated contact person at the coin toss, the team against whom the absent team is to argue will win the coin toss by default.

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<sup>4</sup> To further illustrate, assuming there are 32 teams and thus 16 brackets, the brackets will be assembled as follows, with 1 signifying the team with the highest final brief score: Bracket A (1 v. 32), Bracket B (2 v. 31), Bracket C (3 v. 30), Bracket D (4 v. 29), Bracket E (5 v. 28), Bracket F (6 v. 27), Bracket G (7 v. 26), Bracket H (8 v. 25), Bracket I (9 v. 24), Bracket J (10 v. 23), Bracket K (11 v. 22), Bracket L (12 v. 21), Bracket M (13 v. 20), Bracket N (14 v. 19), Bracket O (15 v. 18), Bracket P (16 v. 17).

<sup>5</sup> Power-match means that the team receiving the highest combined brief and oral argument scores from the preliminary rounds will be paired against the team with the lowest combined brief and oral argument scores from the preliminary rounds, and so on, until all 8 teams are matched up.

## H. VIRTUAL RULES

1. Teams must access the Moot Court Competition's "Homeroom" via the Zoom platform, using the credentials provided by HNBA, at least 10 minutes before the scheduled start time for their round. Team members participating in the argument are only permitted to use a PC, laptop or tablet. It is strongly encouraged that a PC or laptop is used so that a team member may see everyone in the virtual room (tablets only permit the viewing of 9 people on one screen). If available, team member's Zoom accounts should be enabled to allow the team member to "display up to 49 participants per screen" (this setting is only available for PCs and laptops). This will allow the team member to display all of those permitted in the round to be viewed on one screen. See § F.7. Telephones/Smartphones of any type are prohibited.
2. The following individuals participating in any given round must have their cameras enabled at all times: all Competition Judges; the four (4) students competing in the particular round; and the Bailiff. No other persons observing the rounds may enable their cameras. This is done in order to minimize distractions for both the Competition Judges and the team members competing in a particular round.
3. All team members will sit during oral arguments with the camera at eye level. In order to ensure anonymity, team members will be required to use a predesignated "virtual background" that will be provided by the HNBA prior to the competition. Notwithstanding, team members must ensure that their surroundings do not reveal their law school or any law school facilities.
4. Team members may communicate with one another during any given round using the private chat feature on the Zoom platform, but are expressly prohibited from communicating with anyone else during the round, including but not limited to coaches, family members, friends, and classmates.
5. No one is permitted to be in the same physical room as the team member competing in the round.
6. Team members shall not have any other application open during the round in which they are competing. Only the Zoom platform can be open during the round.
7. Teams are required to attend at least one (1) test session in advance of the Competition. Teams must use the test session to practice using the Zoom platform, become familiar with the virtual background features, and test all audio and video equipment (including settings) that will be used during the Competition. Teams will be notified via email, by Carla Martin, of their assigned date and time to participate in the test session. If a team, during the test session, has technical difficulties that need to be corrected, that team will be required to attend follow-up test sessions until the technical issues are resolved, in advance of the Competition.

8. If a team member is disconnected from the Competition round or experiences some other technical failure, the team member shall use the best efforts to promptly re-establish the connection and shall take no action which threatens the integrity of the round (e.g., unauthorized communications with a coach or team member related to anything other than resolving the technical issue). During this time, the Bailiff shall pause the timer. If the connection cannot be re-established within approximately five (5) minutes, the Bailiff shall immediately notify the Director. The Director may take steps to “suspend” the round. At that time, the Director shall meet and confer with the DSB to develop a proposal regarding how to proceed. If the Director deems it unfair to any team to continue the virtual round because of a technical failure, the Director may terminate the round and take such other steps as may be necessary to ensure the fairness and integrity of the Competition, including but not limited to declaring the winner of the round based on the brief scores alone.

9. Any recording of a round, including “screen shots” or “screen grabs” or other visual or audio copying, is prohibited. No person shall be permitted to record any Competition round other than the HNBA as authorized by the Director.

**10. BEFORE EACH ROUND, THE BAILIFF WILL ASK THE TEAM MEMBERS COMPETING IN THE ROUND TO AFFIRM THAT: (1) NO ONE ELSE IS PRESENT IN THE REMOTE ROOM WHERE THE TEAM MEMBER IS ARGUING; (2) THAT THE TEAM MEMBER WILL NOT ENGAGE IN ANY DIRECT OR INDIRECT COMMUNICATIONS WITH ANYONE DURING THE ROUND IN WHICH THEY ARE COMPETING, OTHER THAN THEIR CO-PARTICIPANT COMPETING IN THE SAME ROUND; AND, (3) THAT THE TEAM MEMBER HAS CLOSED ALL COMPUTER APPLICATIONS, FILES, AND WEBSITES ON THEIR COMPUTER, OTHER THAN THE ZOOM PLATFORM. TEAMS SHALL BE PREPARED TO REPRESENT TO THE BAILIFF AND/OR JUDGES THAT THEY UNDERSTAND AND AGREE TO ABIDE BY THESE RULES DURING THE COURSE OF THE COMPETITION.**

## **I. SCORING AND ADVANCEMENT**

1. The Chair(s) of the Judicial Division will recruit at least four (4) judges (“brief judge(s)”) to score team’s briefs, with half the brief judges scoring Petitioners’ briefs, and the other half scoring Respondents’ briefs. All briefs provided to the brief judges will be “clean briefs.” Brief judges will assign scores based on the criteria outlined on the attached Brief Score Sheet. For each team, the judges’ score for that team’s brief will then be averaged, resulting in one average score per brief. After scoring by the brief judges, any assessed penalties will be deducted, resulting in the Final Brief Score. The Director will direct that Final Brief Scores be calculated before oral arguments begin.

2. All oral argument scoring will be based on the criteria outlined on the attached Oral Argument Score Sheet. Each Competition Judge is to fill out the Oral Argument Score Sheet and provide a score for each team member who argues, for a total of two (2) Oral Argument Score

Sheets for each round, one per team. Under no circumstances may the Director or any member of the DSB serve as a Competition Judge.

3. Depending on the number of volunteers, the recommended number of Competition Judges to sit on a panel shall be as follows: for preliminary rounds – two (2); for quarter-final rounds – two (2); for semi-final rounds – three (3); for the final round – three to five (3–5).

4. In calculating the scores at the conclusion of the preliminary rounds, brief scores and oral argument scores will count equally. Thus, after the two preliminary rounds, each team will receive a combined team score consisting of 50% brief score, 25% averaged oral argument score from both participants on-brief and 25% averaged oral argument score from both participants off-brief. The 8 teams with the highest combined score will advance to the quarter-final rounds. If more than 8 teams qualify for the quarter-final rounds, the team with the higher oral argument score will determine which team will proceed to the quarter-final round. If there is a tie in that score as well, then the team that will proceed to the quarter-final round will be determined based on the team with the higher brief score.

5. In the quarter-final rounds, each team will receive a combined team score consisting of 25% brief score and 75% averaged oral argument score from both participants in the quarter-final round. Oral argument scores from prior rounds will not be considered, except in the case of a tie. Teams will advance to the semi-final round by straight elimination.<sup>6</sup> If more than 4 teams qualify for the semi-final rounds, the higher brief score will determine which team(s) will proceed to the semi-final round. If there is a tie in the brief score as well, then the team that will proceed to the semi-final round will be determined based on prior round scores as noted above.

6. In the semi-final rounds, each team will receive a team score consisting solely of the oral argument score from both participants in the semi-final round. Oral argument scores from prior rounds will not be considered, except in the case of a tie. Teams will advance by straight elimination (see footnote 6). The team with the higher combined team score in each semi-final round will advance to the final round. If more than 2 teams qualify for the final round, the higher brief score will determine which team will proceed to the final round. If there is a tie in the brief score as well, then the team that will proceed to the final round will be determined based on prior round scores as noted above.

7. In the final round, each team will receive a team score consisting solely of the oral argument score from both participants in the final round. Oral argument scores from prior rounds will not be considered except in the case of a tie. The team with the higher combined team score in the final round will be deemed the HNBA Moot Court National Champion.

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<sup>6</sup> Straight elimination means that from the two teams that compete against one another, the one with the higher combined team score will advance to the next round, notwithstanding that another team may have a higher combined score than the advancing team.

8. Only the Chair(s) of the Judicial Division, the Director, the DSB, and HNBA staff working on the Competition will have access to brief and oral argument scores and team rankings.

9. Teams may formally request their scores from the Director for educational purposes after the Competition has concluded by communicating the request to [cmartin@hnba.com](mailto:cmartin@hnba.com). Scores will only be available for the 60 day period after the Competition has concluded. The actual scoresheets will not be provided under any circumstance.

## J. AWARDS

1. Awards shall be presented to the 1<sup>st</sup> and 2<sup>nd</sup> place Petitioner brief and to the 1<sup>st</sup> and 2<sup>nd</sup> place Respondent brief. The awards for best briefs shall be based on the Final Brief Score.

2. 1<sup>st</sup> through 3<sup>rd</sup> place oral advocate awards shall be presented and shall be based on the team member's average individual scores from the preliminary rounds. **Only advocates who argued in all of the preliminary rounds are eligible for an oral advocate award.** See § C.1.

3. Awards for overall winning team, 2<sup>nd</sup> place team, 3<sup>rd</sup> place team, and 4<sup>th</sup> place team shall also be presented. The 3<sup>rd</sup> and 4<sup>th</sup> place teams shall be determined based on average of the scores in the semi-final round.

## K. OUTSIDE ASSISTANCE

1. Teams may not receive any assistance from anyone, including faculty or other members of the bar, in preparing, editing and/or proofreading their brief. The brief must be the sole work product of team members.

2. Nothing shall prohibit faculty and members of the bar from critiquing a team's practice oral arguments *after* the team has submitted its brief and *before* commencement of the Competition.

3. During oral argument, no participating team member may receive assistance from any person other than from the other team member competing in the round.

4. No team member, coach, advisor or representative of any team participating in the Competition may attend any oral argument in which their team is not competing, and may not receive information about such argument from any other person unless the coach's, advisor's, or representative's team has been eliminated from the Competition.

## L. PENALTIES AND PROTESTS

1. Penalties: The DSB, in its sole discretion, will determine penalties for violations of these rules. Where possible, the DSB will impose uniform penalties for like violations, e.g., all violations of the page limit for briefs shall be subject to identical point penalties per offending page.
2. Protests: The DSB shall review all formal written protests from any eligible team. As established in these rules, all rulings and decisions of the DSB are final and non-appealable.
  - a. Protest Prior to Oral Argument: Any team may formally protest the eligibility or conduct of any other team prior to oral argument.
    - i. All protests shall be filed in writing and received no later than 30 days prior to the first day of the Competition.
    - ii. The protest shall be filed by the protesting team with the DSB via email, directed to the attention of the DSB at [cmartin@hnba.com](mailto:cmartin@hnba.com), and the protesting team shall note, at the bottom of the email, that the Director and the allegedly offending team are to be copied. The appropriate dissemination of that email will then be effectuated by the staff person for the HNBA monitoring communications at the [www.hnba.com](http://www.hnba.com) site.
    - iii. The allegedly offending team shall provide a response to the protest within 5 days of service of the protest. The response shall be filed with the DSB, via email, directed to the attention of the DSB at [cmartin@hnba.com](mailto:cmartin@hnba.com), and the allegedly offending team shall also note, at the bottom of its email, that the Director and the protesting team are being copied. The appropriate dissemination of that email will then be effectuated by the staff person for the HNBA monitoring communications at the [www.hnba.com](http://www.hnba.com) site.
  - b. Protest During Oral Argument: Protests arising out of conduct during oral argument must be presented in writing to the DSB within 20 minutes after completion of the round in which the alleged violation occurred.
    - i. The protest shall be filed by the protesting team with the DSB via email, directed to the attention of the DSB at [cmartin@hnba.com](mailto:cmartin@hnba.com). The protesting team shall note, at the bottom of the email, that the Director and the allegedly offending team are to be copied. The protesting team must then return to the Moot Court Competition's "Homerom" via the Zoom platform, using the credentials provided by HNBA, to verbally notify the Director that a dispute has been emailed.

ii. All protests shall be handled at the sole discretion of the DSB, whose decision is final and non-appealable. The DSB will post its response to each protest online at [www.hnba.com](http://www.hnba.com).

iii. Any attempts by a team (including their schools, coaches, friends, or family) to circumvent the formal DSB protest process outlined above, such as by attempting to lobby or in any way influence HNBA staff, members of the Board of Governors, Judicial Division members, sponsors, or any other HNBA participant before a ruling, or to seek to change, modify, or overrule a DSB ruling by approaching any of the above listed persons, are strictly prohibited and may result in immediate disqualification from the Competition.

3. Rulings: The DSB's resolution of penalties and protests are final. The DSB will keep a record of protests and penalties, as well as the rulings made thereon. Such will be posted by the DSB on the HNBA website at a date subsequent to the conclusion of the Competition.

4. Plagiarism and Dishonest Conduct: Plagiarism will not be tolerated. Such a violation shall constitute immediate disqualification of all team members on the violating team. Team members assume complete responsibility for the accuracy and content of their team's brief.

5. Reporting: The HNBA Board of Governors may immediately report any violation of these rules involving plagiarism or other dishonest conduct to the respective law school of the violating team. The Judicial Division, including the Director and the DSB, shall defer to the HNBA Board of Governors under such circumstances.

**6. KNOWLEDGE AND LIABILITIES: BY REGISTERING FOR THE COMPETITION, EACH MEMBER OF A TEAM ASSUMES RESPONSIBILITY FOR HAVING FULL KNOWLEDGE OF THESE RULES. EACH TEAM MEMBER, WHETHER PERSONALLY RESPONSIBLE FOR A VIOLATION OF THESE RULES OR NOT, ASSUMES COMPLETE KNOWLEDGE OF ALL TEAM MEMBERS' ACTIVITY IN PREPARING FOR THIS COMPETITION. AT NO TIME MAY A TEAM OR TEAM MEMBER HOLD THE CHAIRS OF THE JUDICIAL DIVISION, THE DIRECTOR, THE DSB, OR THE HNBA LIABLE FOR ENFORCING THESE RULES.**

#### **M. REQUESTS FOR CLARIFICATION OR INFORMATION**

1. All requests for clarification of these rules or of the moot court problem must be in writing. Requests for interpretation of these rules shall at all times be addressed to the Director. This may be done writing an email addressed to: [cmartin@hnba.com](mailto:cmartin@hnba.com).

2. Requests for clarification or information about the moot court problem while in the process of preparing the brief must be submitted no later than 24 hours before the deadline date for submission of briefs.
3. Requests to clarify these rules and procedures may be made at any time.
4. Modification of Rules: These rules are dynamic and fluid, and the Director may modify these rules as deemed pertinent or in the interest of justice. All modifications to the rules will be posted to the HNBA website, and eligible teams are charged with reviewing the website on a regular basis to ensure awareness of any such modifications.
5. The names of the Chairs of the Judicial Division, the Director and the DSB, and where they preside, will be posted on the HNBA website.