



**2010 HNBA UVALDO HERRERA
NATIONAL MOOT COURT COMPETITION
SAN DIEGO, CA
MARCH 5-6, 2010
RULES AND PROCEDURES**

A. Administration

1. The Moot Court Committee will administer the 2010 Hispanic National Bar Association Uvaldo Herrera National Moot Court Competition (the Competition).
2. The Moot Court Committee will develop and draft the moot court case for the Competition. The case will be posted on the HNBA website at www.hnba.com on or before November 16, 2009.

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. Participants must be matriculated law students at the time of the Competition. Participants who are not HNBA-Law School Division members at the time they register for the Competition must become members before or at the beginning of the Competition on March 5, 2010. The HNBA registration form is available on the HNBA web site at www.hnba.com.
2. Each team shall be selected by or with the assistance of the local Hispanic/Latino law student organization if one exists at the law school.
3. Current HNBA-Law School Division members who assist in planning or administering the Competition may not compete in the Competition.

C. Teams

1. A team must consist of two or three law students attending the same law school.
2. The Competition is limited to 32 teams, unless the Moot Court Committee gains consent from the HNBA Board of Governors to change the number of maximum teams. To register, a team must submit a completed registration form and the registration fee of \$450.00 by check or money order payable to the Hispanic National Bar Association. Mail all registration forms and checks to:



**Hispanic National Bar Association
Ben Franklin Station
P.O. Box 14347
Washington, DC 20044**

A copy of the completed registration form must also be sent to joel.villasenor@calawcounsel.com.

The registration deadline is December 11, 2009. If more than 32 teams (unless changed by procedure provided above) register, **the first 32 teams to send completed registration forms to the address and email address above with the entry fee shall be designated as the Competition Participants, and the remaining teams shall be placed on a waiting list.** The postmark date on the registration materials will determine a team's priority. The registration fee is non-refundable. However, registration fees are refundable (a) for law schools that attempt to register more than one team; or (b) for law schools that register after the first 32 teams are registered and are not taken off the waiting list to compete.

3. At the sole discretion of the Moot Court Committee, if fewer than 32 teams register, a second team from each school may be allowed to register for the competition by December 31, 2010.
4. Teams may not substitute team members, except with written approval from the Moot Court Committee. Before a team files its brief, the Moot Court Committee will permit substitution of team members only for good cause. After a team files its brief, the Moot Court Committee will permit substitution of team members only in cases of extreme hardship. These determinations shall be made by the Moot Court Committee and reported to the HNBA Board of Governors.
5. The Moot Court Committee will randomly assign a team number to each participating team. Team numbers will be the sole method for identifying teams to Competition judges. Teams may not reveal the name of their law school to any Competition judge prior to the end of the Competition.

D. Briefs

1. The Moot Court Committee will randomly assign each team to serve as counsel for either Petitioner or Respondent for the purposes of writing the brief.
2. 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.
3. Briefs must be printed on 8 ½- by 11-inch paper with printed matter on only one side of each page. Margins must be at least one inch on all sides of the page, excluding page numbers. Briefs must be typed in a non-variable width font, such as courier. Proportionally spaced fonts may not be used. The type size must produce 10 characters



per inch; this size is usually identified on word processing systems as 12 point or 10 cpi. Line height shall be 0.167", which produces 6 single-spaced or 3 double-spaced lines per inch. All printed matter must be double-spaced, with the exception of footnotes, block quotes, and argument headings. Briefs must either be bound at the left side in a volume or fastened with three staples along the left margin.

4. Briefs may not exceed 40 pages in length. The page limit does not include the cover, questions presented, table of contents, table of authorities, or appendices. Any page with writing counts as a full page.
5. 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 #).
6. Each team will submit its original brief and three copies of the original brief to the Moot Court Committee as instructed in Section E.1 below. Team members' names and law school name shall appear solely on the original brief in the lower right hand corner of the cover. Team members must sign the original brief. All copies of the brief (except the original) that a team submits to the Moot Court Committee and serves on other teams shall include only a team number on the cover and no team member name, law school name, signatures, or other identifying information anywhere within the brief. With the exception of identifying information, all copies of the brief shall be identical reproductions of the original brief.
7. Team members may not obtain, access, read or rely upon any briefs and/or pleadings filed with any trial or appellate court by the actual parties or *amici* in *Skillings v. United States, No. 08-1394 (S.Ct. cert. granted Oct. 13, 2009)*.
8. Team members may not obtain, access, view, read or listen to any verbatim report, transcript, recording or other document containing the oral arguments of the actual parties or *amici* in *Skillings v. United States, No. 08-1394 (S.Ct. cert. granted Oct. 13, 2009)*.
9. Team members are *not* prohibited from citing the case of *Skillings v. United States, No. 08-1394 (S.Ct. cert. granted Oct. 13, 2009)* and similarly, there is no prohibition on reading trial court and appellate decisions leading up to the case. Team members may cite to the case at oral argument
10. By signing and submitting the original brief, each team member certifies (1) that the brief has been prepared in accordance with the rules of this 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* the moot court problem may be based on; 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.



E. Filing and Service of Briefs

1. Filing with the Moot Court Committee: Each team shall submit to the Moot Court Committee its original and three copies of its brief in a single package, postmarked no later than January 22, 2010. Briefs sent to the Moot Court Committee must be mailed via certified mail, return receipt requested, to the following address:

**Joel R. Villaseñor, Esq.
Sullivan Taketa LLP
31351 Via Colinas, Ste. 205
Westlake Village, CA 91362**

Failure to file briefs in the time prescribed in these rules shall result in a two-point penalty per day the brief is filed late, for a maximum of 20 points of the team's final brief score.

2. Service on other Teams: Each team must serve a copy of its brief on every other team in the Competition via email no later than January 22, 2010, 11:59 pm. Prior to the deadline, teams will receive other teams' email address for the sole purpose of serving briefs to other teams. Each team shall submit one copy of its brief as an attachment to a virus-free email message. The copy of the attached brief shall be in Portable Document Format (.pdf) or as a Microsoft Word document (.doc).
3. A date marked by private postage meter is an insufficient postmark.
4. Once submitted, a brief may not be altered, exchanged, or re-submitted.

F. Oral Arguments

1. Oral arguments will take place on March 5 and 6, 2010.
2. Two 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 during the Competition, although only two members will participate in any given round. Only team members participating in a particular argument may sit at counsel's table during the argument.
3. Each team shall receive 30 minutes for oral argument, including rebuttal time. Team members may divide the 30 minutes as they wish, except that no team member may reserve fewer than ten minutes for his or her main argument and no team may reserve more than five minutes for rebuttal. Each team is responsible for informing the Clerk present in the courtroom, prior to the beginning of the argument, how it wishes to divide its time. The Clerk will notify speakers and judges when ten minutes, five minutes, three minutes and one minute remain of the allotted time. The judges, in their sole discretion, may extend any speaker's time.
4. Only Petitioners may reserve time for rebuttal. Only one advocate may argue rebuttal, but that advocate may rebut on all issues.
5. Team members must identify themselves to the judges by name and team number. Participants must not reveal the name of their law school to Competition judges.



6. A Clerk designated by the Moot Court Committee will administer each oral argument round. The Clerk will distribute score sheets to the judges, call the court to order, keep time during the argument, collect the judges' score sheets, and transport them to the Moot Court Committee. Clerks shall not disclose the judges' scores or comments to anyone other than members of the Moot Court Committee.

G. Oral Argument Rounds and Pairing

1. Oral arguments will consist of two preliminary rounds, quarter-final rounds, semi-final rounds, and a final round.
2. Each team will argue twice in the preliminary rounds, once "on-brief" and once "off-brief." Teams will be assigned to preliminary round brackets based on their final brief score. The number of brackets will depend on the number of teams entering the Competition. Brackets will be designated with letters (e.g., Bracket A, Bracket B, and so on). The team with the highest final brief score will be assigned to Bracket A, the team with the second highest final brief score will be assigned to Bracket B, and so on until teams fill each bracket. No team will argue against the same team in both preliminary rounds.
3. If necessary, due to an uneven number of teams, the Moot Court Committee may enter a "moot team" to ensure that every team has an opportunity to argue both sides of the case in the preliminary rounds. The moot team will not be identified as such to the judges. The moot team will not prepare a brief and will not be eligible to advance in the Competition. However, at the discretion of the Moot Court Committee, a team may be randomly selected to argue without an opponent in case of uneven number of teams.
4. Based on the scoring formula described in Section H, the top eight teams from the preliminary rounds will advance to the quarter-final rounds. For the quarter-final rounds, the Moot Court Committee will pair teams by power-match. In other words, the team receiving the highest combined brief and oral score in the preliminary rounds paired against the advancing team with the lowest combined brief and oral score from the preliminary rounds, and so on. The Moot Court Committee may alter matches to prevent teams from arguing in the quarter-final rounds against their preliminary round opponents.
5. The winning team from each of the four quarter-final rounds will advance to the semi-final rounds. The Moot Court Committee will power-match teams for the semi-final rounds. The winning team from each of the two semi-final round arguments will advance to the final round.
6. A coin toss will determine which side, Petitioner or Respondent, the teams will argue in the quarter-final, semi-final and final rounds. The team that wins the coin toss will choose a side to argue.

H. Scoring and Advancement

1. The Moot Court Committee will recruit attorneys, law faculty, and other qualified persons to score participants' briefs. Brief judges will receive briefs identified only by team number and will assign scores based on the criteria outlined on the attached Brief



Score Sheet. The Moot Court Committee will calculate final average brief scores before oral arguments begin.

2. The Moot Court Committee will recruit attorneys, judges, and law faculty to score oral arguments. Oral argument judges will assign scores based on the criteria outlined on the attached Oral Argument Score Sheet.
3. In the preliminary rounds and quarter-final rounds, brief scores and oral argument scores will count equally. After the two preliminary rounds, each team will receive a combined team score consisting of 50% brief score, 25% averaged oral score from both advocates on-brief, and 25% averaged oral score from both advocates off-brief. Teams with the highest combined team scores in their Bracket will advance to the quarter-final rounds. For example, in a field of 32 teams, resulting in four eight-team brackets, the top two teams from each bracket will advance to the quarter-final rounds.
4. In the quarter-final round, each team will receive a combined team score consisting of 40% brief score and 60% averaged oral score from both advocates in the quarter-final round. Teams will advance by straight elimination. The team with the higher combined team score in each quarter-final argument will advance to the semi-final round.
5. In the semi-final round, each team will receive a combined team score consisting of 25% brief score and 75% averaged oral score from both advocates in the semi-final round. The team with the higher combined team score in each semi-final round will advance to the final round.
6. In the final round argument, each team will receive a team score consisting of solely the oral score from both advocates in the final round. The team with the higher combined team score in the final round will be deemed HNBA Moot Court National Champion.
7. If two or more teams have the same combined team score in any round, the Moot Court Committee shall break the tie in favor of the team with the higher brief score.
8. Only Moot Court Committee members will have access to brief and oral argument scores and team rankings. The Moot Court Committee will not divulge scores or team rankings.

I. Awards

1. Awards shall be presented to the 1st and 2nd place Petitioner brief and 1st and 2nd place Respondent brief. The best briefs shall be based on the brief score given by the brief judge, minus any penalties assessed.
2. 1st through 3rd place oral advocate awards shall be presented and shall be based on individual scores from the preliminary rounds.
3. Awards for overall winning team, 2nd place team, 3rd place team and 4th place team shall also be presented. The 3rd and 4th place teams shall be based on their semi-final round scores.



J. Outside Assistance

1. Teams may receive limited assistance from faculty and members of the bar in the form of general discussion of the issues. **This limited assistance shall not include conducting research or reviewing, commenting upon, or editing briefs.** The brief must be the sole work product of team members.
2. Nothing in this rule shall prohibit faculty and members of the bar from critiquing a team's oral arguments after the team has submitted its brief.
3. During oral argument, no participating team member may receive assistance from any person other than another team member seated at counsel table.
4. No member, coach, advisor or representative of any team participating in the Competition may attend any oral argument in which it is not competing or receive information about such arguments from any other person unless the coach's, advisor's or representative's team has been eliminated from the Competition.

K. Penalties and Protests

1. Penalties. The Moot Court Committee, in its sole discretion, will determine penalties for violations of these Rules. The Moot Court Committee Chair shall consult and provide whatever evidence to support a violation of these rules to the HNBA Board of Governors. However, only the HNBA Board of Governors shall decide whether to assess the recommended penalty against the corresponding team. The HNBA Board of Governors, in its sole discretion, may alter the Moot Court Committee's recommended sanction. Uniform penalties will be imposed 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 Moot Court Committee shall hear all protests from any eligible team. Unless otherwise stated in the Rules, any ruling by the Moot Court Committee may be appealed to the HNBA Board of Governors by requesting such appeal to the Moot Court Committee Chair.
 - a. Protest Prior to Oral Arguments. Any team may formally protest the eligibility or conduct of any other team prior to Oral Arguments.
 - i. With the exception of protests involving conduct at the oral arguments on the day of the Moot Court Competition, all protests shall be filed in writing and received no later than 30 days prior to the first day of the Moot Court Competition.
 - ii. The team filing the protest shall, on the same day that the protest is filed with the Moot Court Committee, serve a copy of its protest on the allegedly offending team. The protest shall be filed with the Moot Court Committee at joel.villasenor@calawcounsel.com, and the protest will be served on the alleged offending team via email.
 - iii. The allegedly offending team shall have an opportunity to respond within five days of receiving the copy of the protest. The response shall



be filed at joel.villasenor@calawcounsel.com and be served via email on the team making the allegation.

- b. Protest During Oral Arguments. Protests arising out of conduct during oral arguments must be raised with the Moot Court Committee within ten minutes after the round ends where to the allegedly offending party committed a violation. Moot Court Committee members will designate an area where teams may lodge a protest. These protests are handled at the sole discretion of the Moot Court Committee and reported to the HNBA Board of Governors.
 3. Rulings. The Moot Court Committee's resolution of penalties and protests is final when relating to oral argument.
 4. Plagiarism. Plagiarism will not be tolerated. Such a violation shall constitute immediate disqualification of all team members. Team members assume complete responsibility for the accuracy and content of their team's brief.
 5. Reporting. The HNBA Board of Governors shall immediately report any violation of these Rules involving plagiarism or other dishonest conduct to the respective law school of the violating team. The Moot Court Committee shall defer to the HNBA Board of Governors under such circumstances.
 6. Knowledge and Liabilities. Each member of a team assumes responsibility for having full knowledge of these rules by the act of registering for the competition. 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 Moot Court Committee or the HNBA liable for enforcing these Rules.
- L. Requests for Clarification or Information
1. All requests for clarification of these rules or the moot court case must be in writing.
 2. The deadline to submit requests for clarification or information about the moot court problem is January 8, 2010.
 3. Requests to clarify the 2010 HNBA Moot Competition Rules and Procedures (these rules) may be made at any time.
 4. All requests for clarification or information must be sent to the following email address: joel.villasenor@calawcounsel.com.



BRIEF SCORE SHEET

Team Number _____

Grader _____

Grading Guidelines

Please grade the brief based only on the criteria below. Do not consider the merits of the case. You will score the brief on a scale of 100. Most scores should fall within the 60-90 point range. Exceptionally good briefs should score above 90; exceptionally poor briefs should score below 60.

Format

- Mechanics (proper use of Statement of Facts, etc.)
 - Uniformity and flow (parallel form of all Questions Presented, headings, etc.)
 - Neatness, legibility, no typos or format errors
 - Proper use of citations and citation form
 - Adherence to the Rules of the Competition
- _____
(Maximum 15 Points)

Organization

- Logical progression of ideas
 - Effective use of headings to outline arguments
- _____
(Maximum 15 Points)

Legal Analysis

- Understanding essential legal issues presented
 - Focus on essential (not collateral) issues
 - Discussion of viable alternative arguments
 - Innovative approach to issues
- _____
(Maximum 25 Points)

Advocacy and Writing Style

- Clear, concise and unambiguous writing style
 - Forceful and persuasive presentation
 - Understanding of strengths and weaknesses of case
 - Integration of facts into legal argument
- _____
(Maximum 25 Points)

Use of Authority

- Understanding and analysis of authority
 - Effective use of authority to support argument
 - Ability to distinguish adverse cases
- _____
(Maximum 20 Points)

TOTAL: _____



ORAL ARGUMENT SCORE SHEET

Name of Advocate _____

Team Number _____

Grading Guidelines (for total score)

Superior	90-100	Fair	60-69
Above Average	80-89	Poor	below 60
Average	70-79		

Court Demeanor

- Attire and professional bearing
- Language, deference to Court
- Compliance with courtroom etiquette
- Body language, hand gestures, eye contact

(Maximum 10 Points)

Knowledge of Record

- Familiarity with names, sequence of events, dates
- Familiarity with procedural history of case
- Familiarity with reasoning of courts below

(Maximum 10 Points)

Organization and Reasoning

- Outline of argument
- Logical consistency of argument
- Awareness of strengths and weaknesses of case

(Maximum 20 Points)

Persuasiveness

- Presenting argument with little use of notes
- Use of rebuttal (for Petitioners only)
- Enthusiasm, zealously, proper intonation

(Maximum 15 Points)



Legal Analysis

- Use of legal authority
- Use of policy arguments
- Understanding of legal issues

_____ (Maximum 25 Points)

Responsiveness to Questions

- Use of direct, responsive answers
- Ability to dispose of collateral issues tactfully
- Ability to return to argument after questions
- Control of discussion, without interrupting judges
- Ability to perceive and discuss issues important to the Court
- Flexibility in presenting points in response to questions

_____ (Maximum 20 Points)

TOTAL: _____

