



NOTRE DAME LAW SCHOOL  
**MOOT COURT**

*Eighth Annual*

**Notre Dame  
National Appellate Advocacy  
Tournament for Religious Freedom**

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**Official Rulebook**

## I. Schedule, Location, and Time Zone

A: Schedule – Subject to change. A finalized schedule will be released in October 2023.

<b>Friday, September 29</b>		Case Problem and Appellate Record Released to Teams Upon Registration and Payment of Tournament Fee <i>Although teams will argue both sides, they will be assigned one side—appellant or appellee—to brief. Teams may begin work on the brief as soon as they receive this assignment.</i>
<b>Friday, October 15</b>	<b>5:00 p.m.</b>	Registration Deadline
<b>Saturday, October 28</b>	<b>5:00 p.m.</b>	Deadline to Submit Questions Regarding the Case Problem
<b>Tuesday, October 31</b>	<b>5:00 p.m.</b>	Briefs Due
<b>Monday, November 6</b>		Preliminary Round Schedule and Room Assignments Released
<b>Thursday, November 9</b>	<b>Evening</b>	Teams Arrive in South Bend, IN
<b>Friday, November 10</b>	<b>7:45 a.m.</b> <b>8:00 a.m.</b> <b>9:00 a.m.</b> <b>12:30 p.m.</b> <b>2 p.m.</b> <b>7 p.m.</b>	Check-in – Eck Hall of Law Orientation – Patrick F. McCartan Courtroom (Room 1170) Preliminary Round 1 – Various Locations Lunch – Eck Hall of Law Commons Preliminary Round 2 – Various Locations Quarterfinalists Announced via Email
<b>Saturday, November 11</b>	<b>8:00 a.m.</b> <b>11:30 a.m.</b> <b>12:30 p.m.</b> <b>2:00 p.m.</b> <b>5:30 p.m.</b> <b>7 p.m.</b>	Quarterfinals – Eck Hall of Law Lunch Semifinalists Announced – Patrick F. McCartan Courtroom Semifinals – Patrick F. McCartan Courtroom Finalists Announced – Patrick F. McCartan Courtroom Finalist Private Dinner w/ Tournament Judges, Notre Dame Law School Faculty, and Notre Dame Moot Court Executive Board Members.
<b>Sunday, November 12</b>	<b>Morning</b> <b>2:00 p.m.</b> <b>4:00 p.m.</b>	Free Final Round – Patrick F. McCartan Courtroom Tournament Closing Reception – Eck Hall of Law Commons

## B: Location

We are excited to announce that the 2023 Tournament is being held in-person on the campus of Notre Dame University in South Bend, IN. Tournament Events will generally be held at Notre Dame's Eck Hall of Law.

## **C: Time Zone**

South Bend, Indiana observes Eastern Time. All times pertaining to the Tournament listed in this Rulebook and elsewhere refer to Eastern Time, unless otherwise stated.

## **II. Eligibility**

All Team members must be second-year or third-year law students during the 2023–2024 school year at an ABA accredited law school.

- Foreign Teams will be considered at the discretion of Tournament Staff.
- LLM students may participate, so long as they will not graduate before Spring 2024.
- Multiple teams from one school may participate in the Tournament.

## **III. Team Composition**

A Team may contain up to four competitors. A Team must contain two oralists. A Team may contain one or two brief writers. All competitors, including those designated as brief writers, may take part in oral argument during the two preliminary rounds. Oralists will only be eligible for Best Oralist awards, however, if they argue in both preliminary rounds. Further, those Teams advancing to elimination rounds must select two oralists for the remainder of the tournament.

Each Team shall consist of no less than two and not more than four student members. All Team members, including oralists, may contribute to Brief research, drafting, editing, and review.

Brief Writers:

- Brief Writers may only participate in oral argument during preliminary rounds as part of a rotating writer/oralist arrangement. Brief Writers may not participate in oral argument during elimination rounds.
- Brief Writers may coach and critique oralists' oral argument prior to and throughout the Tournament.

Faculty/Staff Advisors:

- A Team may, but is not required to, have a Faculty/Staff Advisor.
- A Faculty/Staff Advisor may coach and critique oralists' oral argument prior to and throughout the Tournament.
- A Faculty/Staff Advisor may not assist in any way with Brief research, drafting, editing, or review.
- Faculty/Staff Advisors are permitted to engage in verbal discussions of the issues presented in the Case Problem with their students.
- A Faculty/Staff Advisor may, but is not required to, attend the Tournament.
- A Faculty/Staff Advisor may advise multiple Teams from the same law school up to and during the Tournament.

## **IV. Record and Prompt Questions**

Tournament Directors will accept written questions regarding clarifications of the Case Problem until October 28th, 2023, at 5:00 PM EST. All questions will be answered before Sunday, October 29th, 2023, at 11:59 PM EST. Each Team will receive a copy of all written questions submitted and corresponding answers. Teams must submit briefs and questions via email to the Tournament Director (Sachit Shrivastav – [sshrivas@nd.edu](mailto:sshrivas@nd.edu)). The subject of the email shall be “[ND RFT Request for Clarification]”.

Please refrain from submitting substantive legal questions.

## V. Briefs

### A. Brief Requirements

Each Team will submit one appellate brief. Each Team will be assigned to represent the Petitioner or the Respondent for Brief purposes after registration. This does not affect assignment for oral argument as each Team will argue both sides of the case.

Briefs must remain anonymous. Teams may only identify their brief using the Team Number assigned by Tournament Staff.

Teams may begin preparing a brief as soon as they receive the full Case Record and Petitioner/Respondent assignment. Only Team members may contribute to the Brief. Teams may prepare and practice oral argument with non-Tournament participants.

Briefs must conform to the 21st Edition of the Bluebook.

All briefs must contain the following components:

- Cover Page (must contain the Team Number [not name])
- Table of Contents
- Table of Authorities
- Statement of Jurisdiction
- Issues Presented
- Statement of the Facts
- Statement of the Case (Procedural Posture)
- Summary of the Argument
- Argument
- Conclusion and Relief Sought
- Certification Sheet (*infra*)

Briefs must conform to the following format requirements:

- No brief shall exceed twenty-five pages, including footnotes. (This page count does not include the cover page, table of contents, table of authorities, or Certification Sheet.)
- All briefs must be written using Times New Roman, 12-point font. However, footnotes may be written using 11-point font.
- All text except footnotes, cover page text, the table of contents, the table of authorities, and block quotes must be double-spaced.
- Briefs must maintain 1-inch margins.

- Briefs must be submitted in either PDF or Microsoft Word format.

## **B. Submission**

Briefs are due on October 31st, 2023 at 5:00 PM EST. Tournament Staff will not grant extensions.

- Teams must submit briefs via email to the Tournament Director (Sachit Shrivastav – [sshrivas@nd.edu](mailto:sshrivas@nd.edu)). The subject of the email shall be “[Team Number\_Respondent/Petitioner\_Final Brief]”.
- All submissions will be confirmed by Tournament Staff via email.

All Teams must submit a Tournament Certification Sheet (*infra*) in addition to their briefs. The

below table describes the late Brief penalties.

<i>Time Late (Hours : Minutes)</i>	<i>Point Deduction</i>
00:01 to 24:00	20 points
24:01 to 48:00	40 points
48:01 to 72:00	60 points
72:01 or more	Disqualification

## **VI. Oral Argument**

### **A. Format and Time Limitations**

Each Team will be limited to forty minutes of oral argument. Each team member must argue for a minimum of fifteen minutes, including rebuttal. Only two Team members may argue per round; only Team oralists may argue during oral argument. During oral argument, oralists may confer only with fellow Team members.

Counsel for Petitioner may reserve up to five minutes for rebuttal. Counsel must notify the Courtroom Bailiff of the intent to reserve time for rebuttal as well as the time allocations between Team oralists before Petitioner's oral argument begins.

An oralist must cease argument when the Courtroom Bailiff gives notice that the oralist's time has expired. The oralist may request more time from the Justices but may not continue unless a Justice grants a time extension.

Courtroom Bailiffs will give notice to oralists when ten minutes, five minutes, and one minute of the allotted time remains.

### **B. Scoring**

Scoring for all oral arguments will be based on a scale of one to one hundred (1-100). Teams are credited for a "winning ballot" when a judge grants them a higher composite oral argument score than the opposing team. Oral argument scores will be determined solely by the judicial panel presiding over the oral argument.

Each Team will argue once for the Petitioner and once for the Respondent during Preliminary Rounds on November 10, 2023. The Team's score for each Preliminary Round will consist of the brief score (30%) and an average of their judge oral argument scores over both rounds. The Tournament Staff will average each Team's two Preliminary Round scores to determine the Team's final Preliminary Round score.

The eight Teams with the greatest number of winning ballots over the two Preliminary Rounds will advance to the Quarterfinals. In the event of a tie between two Teams potentially advancing to the Semifinal Round, the Team with the higher final Preliminary Round Score will advance.

The Teams' scores for the Quarterfinal, Semifinal and Final rounds will be determined solely based on oral argument performance. During the Quarterfinal, Semifinal and Final Rounds, Tournament Staff will randomly determine which Teams argue for Respondent and Petitioner. The two Teams with the highest scores will advance to the next round. The Team with the third-highest score in the Semifinal Round earns Third Place in the Tournament.

The winner of the Final Round will be determined solely by the judicial panel, based on the Final Round oral argument performances. There will be no numerical scoring of the final round.

In the event of a tie during the Quarterfinal or Semifinal rounds, the Team with the higher brief score will advance.

## **VII. Awards**

Awards will include, but will not be limited to: Best Brief, Second Place Brief, Best Oralist, Second Place Oralist, First Place Team, **and** Second Place Team.

## **VIII. Rule Interpretation**

The Tournament Director (Sachit Shrivastav – [sshrivas@nd.edu](mailto:sshrivas@nd.edu)) will issue an interpretation of these Rules upon request. All interpretations will be provided to all Teams.

The Tournament Director has the discretionary authority to modify or waive these Rules.

Any discrepancy or ambiguity in the Case Problem or Rulebook will be interpreted by the Tournament Director. This judgment is final.

This document, the Official Rulebook, controls the Tournament. Any previous documents are superseded.

## **IX. Copyright and Legal Notices**

The Case Problem is copyrighted under United States copyright law. It may not be redistributed, republished, reprinted, digitally distributed, or otherwise reproduced without the express written permission of the copyright holder.

The persons, places, and events featured and described in the Case Problem are wholly fictional and do not depict any actual person, place, or event. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

## **X. Emergency Procedures**

The University of Notre Dame maintains a full-time professional police force, the Notre Dame Security Police, and fire department, the Notre Dame Fire Department. Both may be contacted at 574-631-5555.

In the event of an emergency, please contact the above number or 911.

## **Certification Sheet (Attach to your Brief as last page)**

Team Name: \_\_\_\_\_

Team Number: \_\_\_\_\_

Date: \_\_\_\_\_

I certify that I have read the Official Rulebook for the Notre Dame National Appellate Advocacy Tournament for Religious Freedom. I agree to abide by the rules of the Tournament. I did not receive unauthorized assistance on my Brief.

Oralist #1 Name (Print): \_\_\_\_\_

Oralist #1 Name (Sign): \_\_\_\_\_

Oralist #2 Name (Print): \_\_\_\_\_

Oralist #2 Name (Sign): \_\_\_\_\_

Student Brief Writer #1 Name (Print): \_\_\_\_\_  
(if applicable)

Student Brief Writer #1 Name (Sign): \_\_\_\_\_  
(if applicable)

Student Brief Writer #2 Name (Print): \_\_\_\_\_  
(if applicable)

Student Brief Writer #2 Name (Sign): \_\_\_\_\_  
(if applicable)

### **Faculty/Staff Advisor Certification (if applicable):**

I certify that I have complied with all Tournament Rules.

Faculty/Staff Advisor (Print): \_\_\_\_\_  
(if applicable)

Faculty/Staff Advisor (Sign): \_\_\_\_\_  
(if applicabl



## Score and Tabulation Sheets

### Oral Argument Score Sheet

Counsel #1 for Hoynes	Counsel #2 for Hoynes	<b>v.</b>	Counsel #1 for ACA	Counsel #2 for ACA
Name	Name	Hoynes TEAM NAME v. Althusius Christian Academy. TEAM NAME	Name	Name
		Round: _____ Start Time: _____ (AM/PM)		
		<b>Content of Argument</b> Do not consider the merits of the case, rather: Is the argument persuasive and effective? Is the argument logical? Is legal authority used correctly and persuasively? Was there a clear knowledge of the relevant legal authority?  <i>Unacceptable.....Fair.....Good.....Excellent.....Exceptional</i> 0-----5-----10-----15-----20-----25-----30-----35----- 40		
Max 40	Max 40		Max 40	Max 40
		<b>Knowledge of Record</b> Do the Oralists have a knowledge of the record? Can they cite to the record? Do they display understanding of the lower court opinions?  <i>Unacceptable.....Fair.....Good.....Excellent.....Exceptional</i> 0----2----4----6----8----10----12----14----16----18----- 20		
Max 20	Max 20		Max 20	Max 20
		<b>Response to Questions</b> Does the Oralist think quickly on his or her feet? Does the Oralist seem startled by questions? Does the Oralist actually and correctly answer the question? Is the answer thorough yet not rambling? Does the Oralist recover from the question properly?  <i>Unacceptable.....Fair.....Good.....Excellent.....Exceptional</i> 0 _ 2 _ 4 _ 6 _ 8 _ 10 _ 12 _ 14 _ 16 _ 18 _ 20		
Max 20	Max 20		Max 20	Max 20
		<b>Deference and Professionalism</b> Does the Oralist display proper deference to the Court? Does the Oralist use appropriate (or excessive) hand gestures? Is the tone, volume, and clarity of the Oralist's voice proper? Is the Oralist respectful to the other side?  <i>Unacceptable.....Fair.....Good.....Excellent.....Exceptional</i> 0 _ 2 _ 4 _ 6 _ 8 _ 10 _ 12 _ 14 _ 16 _ 18 _ 20		
Max 20	Max 20		Max 20	Max 20
<b>Subtotal</b>	<b>Subtotal</b>	<b>Judge Name (Print)</b>	<b>Subtotal</b>	<b>Subtotal</b>
<b>Divide by 2</b>	<b>Divide by 2</b>	<b>Judge Name (Sign)</b>	<b>Divide by 2</b>	<b>Divide by 2</b>
<b>Add both scores for Team Score</b>		<b>Tournament Staff Signature:</b>  The tabulations on this sheet are accurate.	<b>Add both scores for Team Score</b>	

Oral Argument Judges: Please do not write in the grey boxes. Tournament Staff use only.

## **Brief Score Sheet**

See criteria sheet.

<b>Category</b>	<b>Points Possible</b>	<b>Score</b>	<b>Comments (optional)</b>
1. Cover Page	1		
2. Table of Contents	1		
3. Table of Authorities	1		
4. Statement of Jurisdiction	2		
5. Issues Presented	5		
6. Statement of the Facts	9		
7. Statement of the Case	2		
8. Summary of the Argument	5		
9. Conclusion and Relief Sought	1		
10. Argument Structure	20		
11. Argument Content	40		
12. Grammar, Usage, Mechanics, and Punctuation	5		
13. Bluebooking in Accordance with 21 <sup>st</sup> Edition of Bluebook	8		
<b>GRAND TOTAL</b>	<b>100</b>		

**EVALUATOR NAME:** \_\_\_\_\_

**TEAM NUMBER:** \_\_\_\_\_

### Brief Score Sheet: Suggested Criteria

Category	Questions to Consider
1. Cover Page	Does the cover sheet comply with instructions?
2. Table of Contents	Is the table of contents clear and accurate?
3. Table of Authorities	Is the table of authorities proper and clear?
4. Statement of Jurisdiction	Is the statement of jurisdiction accurate, clear, and concise?
5. Issues Presented	Does this section correctly identify the issues before the court? Did the Team divide the issues logically? Is the section written clearly and concisely?
6. Statement of the Facts	Is this section written persuasively, without going over the top? Is this section complete, i.e. does not leave out material facts? Does this section contain appropriate citations to the record?
7. Statement of the Case	Does this section clearly and correctly indicate the procedural posture of the case?
8. Summary of the Argument	Is the summary concise? Does it accurately summarize the argument? Is it easy to follow?
9. Conclusion and Relief Sought	Does this section very briefly conclude and ask for the correct relief?
10. Argument Structure	Is the argument structured in a logical way? Is the argument structured persuasively? Does it follow the issues presented? Are point headings used persuasively to make the argument clear?
11. Argument Content	Does the argument address the issues appropriately, clearly, and persuasively? Does the argument use convincing authority? Does the argument address non-favorable authority? Does the argument contain sound legal analysis? Does the argument incorporate facts from the record?
12. Grammar, Usage, Mechanics, and Punctuation	Does this Brief use proper English?
13. Bluebooking in Accordance with 21 <sup>st</sup> Edition of Bluebook	Does this Brief conform to the Bluebook?

### **Brief Tabulation Sheet**

<b>Team Number:</b>	
Record all individual judge scores:	
Average scores:	
<b>Subtract penalties:</b>	
Late ( <i>see</i> Rule 5.E.3.a)	
Wrong font (-7)	
Did not use correct spacing (-5)	
Not 20-30 pages ( <i>excluding cover page and certification sheet</i> ) (-15)	
Did not follow anonymity procedure (-15)	
Not in PDF or Word format (-10)	
Did not submit Certification (-25)	
Does not contain all Components (-5 per Component missing, plus zero in that Component's score)	
<b>FINAL BRIEF SCORE:</b>	