

2009-2010

National Health Law

Moot Court Competition

OFFICIAL RULES

SPONSORS:

Southern Illinois University School of Law

**Southern Illinois University School of Medicine,
Department of Medical Humanities**

American College of Legal Medicine

American College of Legal Medicine Foundation

**2009-2010 RULES OF THE
NATIONAL HEALTH LAW MOOT COURT COMPETITION**

PART I. ORGANIZATION OF THE NATIONAL COMPETITION

The National Health Law Moot Court Competition (the "Competition") is an inter-law school appellate moot court competition sponsored by the School of Law and the School of Medicine, Department of Medical Humanities, Southern Illinois University and the American College of Legal Medicine and ACLM Foundation. The purpose of the Competition is to develop the art of appellate advocacy and to encourage research in the growing field of health law and ethics. The Competition is organized by a Coordinating Committee (the "Coordinating Committee") comprised of SIU School of Law faculty and current law students appointed to the Moot Court Board of the School of Law.

PART II. THE RULES

Teams

Rule 1. Number and Composition of Teams.

Up to 32 teams may participate in the Competition. Each participating school may enter one or two teams. If the Competition is over subscribed, the Committee reserves the right to allow only one team per school and lottery off any open slots. Each team shall be composed of two or three students, all of whom must be full-time (day or night) law students currently enrolled in a J.D. program at the time of the Competition.

Rule 2. Substitution of Team Members.

There shall be no substitution of team members after submission of briefs except upon written consent of the Committee.

Briefs

Rule 3. General.

For schools entering only one team, the team may elect to serve as counsel for petitioner or respondent for the purposes of preparing its brief. If a school enters two teams as

provided by Rule 1, one team shall represent petitioner and the other respondent for the purposes of preparing briefs.

Rule 4. Form and Length of Briefs.

(a) Format and Length of Brief.

- (i) The Rules of the Supreme Court of the United States apply to the format and content of the brief (except that there need not be any formal statement of jurisdiction, and citation form should be in compliance with the Eighteenth Edition of the Uniform System of Citation), unless otherwise provided by these Rules or in the Record on Appeal.
- (ii) No information which tends to identify the school or the contestants other than the number assigned by the Committee may appear at any place in the brief or on the cover. The contestant's names or school must not appear anywhere in the brief.
- (iii) Appendices may be used to recite the text of statutes, constitutional provisions, regulations and materials that are not generally available. No appendices to the brief may exceed 20 total combined pages.
- (iv) Exclusive of the questions presented, table of contents, table of authorities, opinions below, constitutional and statutory provisions, and appendices, the body of the brief (including the statement of the case, summary of argument, and argument) may not exceed 14,000 words in length. Footnotes will be included in the word count.
- (v) The brief must have pages not exceeding 8½ by 11 inches and typed matter not exceeding 6½ by 9½ inches with double spacing between each line of text except for footnotes which may be single spaced. Page numbers are not included in “typed matter.”
- (vi) Briefs may be prepared by using word processing equipment. Printing by any typesetting process is not permitted for the contents or covers. The brief must be bound at the left margin or fastened with 3 staples along the left margin.

(b) Measuring Brief and Computer Disk.

- (i) As set forth in Rule 5, each team must serve upon the Coordinating Committee a typewritten or printed word processed complete original of its brief, which will be designated the “Measuring Brief.”
- (ii) In addition, each team must serve upon the committee an electronic data file version of the body of the brief (those portions listed in Rule 4(a) that

make up the word count), saved to either a 3½ inch (high or low density) diskette or a CD. This will be known as the “Computer Disk.” The Computer Disk copy of the brief must be in either Microsoft Word, version 6.0 or higher, or Corel WordPerfect, version 8.0 or higher. No other formats will be accepted.

- (iii) The Measuring Brief and the Computer Disk will be used solely for the purpose of judging compliance with Rule 4(a).
- (c) Other Briefs. Other copies of the brief required to be submitted must be identical reproductions of, and contain the same material as, the Measuring Brief and may be produced by a duplicating or copying process that produces a clear black image on white paper. Carbon copies will not be accepted. Briefs may be duplicated on one or both sides of the page.
- (d) Certification. Each team submitting a brief in the Competition shall certify that such brief has been prepared in accordance with these rules and that it represents the work product solely of such team's members. The certification is attached as Appendix A.

Rule 5. Service of Briefs.

- (a) Service on the Committee. Each team must serve its Measuring Brief and Computer Disk (Rule 4(a)), six (6) additional copies of its brief, and the original of its Certification (Rule 4(d)), in a single package on the Coordinating Committee on or before October 2, 2009. The Coordinating Committee address is:

Southern Illinois University School of Law
Lesar Law Building, MC 6804
1150 Douglas Drive
Carbondale, IL 62901
ATTN: Bonnie Miller
National Health Law Moot Court Competition

- (b) Service of Briefs on Opposing Teams.
 - (i) In lieu of serving competing teams, each team will submit one electronic copy of its brief via e-mail no later than October 2, 2009, to the following address: bmiller@siu.edu.
 - (ii) The electronic copy of the brief must be in either Microsoft Word, version 6.0 or higher, Corel WordPerfect, version 8.0 or higher, or in an Adobe Acrobat PDF file. No other formats will be accepted without prior approval. ***The electronically submitted brief should be one document only. The subject line of the e-mail must contain the team's designated***

number, and the body of the email must contain the name of the law school and team members' names.

- (iii) The electronic copies of the briefs will be posted on the National Health Law Moot Court Competition website by October 6, 2009, to allow participating teams access.
- (c) Method and Timing of Service. Whenever service other than electronic service is required by these Rules, such service shall be effected by depositing the material to be served in the United States mail at an office of the United States Postal Service, first class postage prepaid and properly addressed, ***postmarked on or before the deadline for such service***. Although no proof of mailing is required by these rules other than the postmark, teams are advised to obtain a receipt in case questions later arise.

Rule 6. Revision of Briefs.

A team may not revise or supplement its brief after service upon the Committee.

Rule 7. Scoring of Briefs; Penalties.

- (a) Scoring Committee. A committee appointed by the American College of Legal Medicine (the "Scoring Committee") will score all briefs submitted and will select the best brief in the Competition. The brief score will be used in determining the result of each and every argument in accordance with Rule 14. Any matter serving to identify a team or its members will be excised by the Coordinating Committee prior to submission to the Scoring Committee.
- (b) Penalties. The Coordinating Committee may assess such penalties, including disqualification, as it deems reasonable and appropriate in its sole discretion for failure to comply with these Rules. All briefs will be subject to uniform penalties for each type of violation, which penalties may be levied in whole or fractional points. The penalty scale for violations of Rule 4 will be in proportion with the overall range of scores of the briefs being graded.

Rule 8. Faculty or Other Assistance.

- (a) General. No team may receive specific assistance in the writing of its brief or the preparation of its oral argument from anyone not a member of that team, including faculty or fellow students. This rule should not be construed to limit in any way the resource material available to the participants, except no participants may procure a copy of any pleadings or papers actually filed in any trial or appeal of any case upon which the record is founded. Contact with the actual litigants or their attorneys is prohibited and constitutes grounds for disqualification.

- (b) Purpose. This rule shall not be construed to prevent general discussion of the issues raised in the record with faculty or others, the judging of practice arguments by the faculty or others, or the giving of general critiques on such arguments, provided such discussions and critiques are not designed to change the substance of briefs or oral arguments. In interpreting this rule, it should be emphasized that the purpose of the Competition is to develop the art of appellate advocacy through the participants' own work.

Oral Arguments

Rule 9. Time and Place.

Oral arguments will take place at Southern Illinois University in Carbondale, Illinois on November 6 and 7, 2009.

Rule 10. Participants in Argument.

Any two members of a team may participate in any argument, but two team members (and only two) must participate in each argument. Each member of a team must argue at least once during the two preliminary rounds.

Rule 11. Number of Arguments; Elimination; Pairings.

- (a) Number of Arguments. The Competition will be structured to afford each competing team two (2) arguments (preliminary rounds) prior to the elimination of any team. No team shall argue the same side of the case in the first two preliminary rounds. No team will argue against any other team representing the same school in the two preliminary rounds nor will the same two teams be paired together in the two preliminary rounds.
- (b) Elimination. At the end of the second preliminary round, the Committee will determine the eight (8) teams which advance to the quarter-final rounds.¹
 - (i) In the event that fewer than eight teams remain undefeated after the two preliminary rounds, all undefeated teams will advance to the next round

¹ The Committee reserves the right at the end of the preliminary rounds to hold an additional round of no less than twelve and no more than sixteen teams, depending on the size of the Competition and availability of judges. Should this round be scheduled, teams will be selected following the same win/loss/aggregate point procedure outlined in Rule 11(b). Advancement to the quarterfinals will then be based on win/loss record in this additional round if there are sixteen teams, or follow the win/loss/aggregate point difference procedure outlined for quarterfinal selection if there are fewer than sixteen teams. Only performance in this additional round will be considered to determine further advancement. The rules regarding pairings will be those outlined in Rule 11(c) for rounds beyond the preliminary rounds.

together with the necessary number of additional teams having the best won-lost records. Ties will be broken in favor of the team with highest aggregate point difference over its opponents in the two preliminary rounds.² If two teams have the same aggregate point difference over their opponents, the tie will be broken in favor of the team having the higher brief score.

- (ii) In the event that there are more than eight undefeated teams after the two preliminary rounds, the advancing teams will be those eight teams with the highest aggregate point difference over their opponents in the two preliminary rounds. Should it be necessary to break a tie in order to determine the eight teams with the highest aggregate point difference, that tie will be broken in favor of the team(s) having the higher brief score.
- (c) Pairings.
- (i) The Coordinating Committee will determine by random assignment pairings for the preliminary rounds, including assignments of the side of the case to be argued, except for adjustments necessary to comply with Rule 5(a). The Coordinating Committee will inform all contestants in advance of the identity of the other teams against which they are bracketed.
 - (ii) Pairings for all rounds beyond the preliminary rounds will be announced as soon as practicable. For all rounds beyond the preliminary rounds, a coin toss will be held, with the winner of the coin toss selecting the side that team will represent in that round.

Rule 12. Time for Arguments.

- (a) Each team will have 30 minutes total to make its presentation. The team members representing respondent may divide their time as they so desire, but must indicate to the bailiff for how many minutes each team member will speak.
- (b) The team representing petitioner may reserve up to 5 minutes for rebuttal, but must indicate its desire to do so to the bailiff before the beginning of the round. The team must also indicate to the bailiff how many minutes each team member will speak. In order to reserve rebuttal, the team representing petitioner must also verbally request reservation of rebuttal time at the beginning of its oral argument from the court. Only one member of the petitioner team may argue on rebuttal.

² Aggregate point differences are computed in the manner illustrated by the following example: If team A defeated its first round opponent by a score of 80-75 and lost its second round argument by a score of 78-80, its aggregate point difference for the two rounds is +3 points (i.e., the net of the +5 point difference in its first argument and the -2 point difference in its second argument).

- (c) The bailiff will hold up time cards when 5, 2 and 1 minute(s) remain of each speaker's time, and a card indicating "STOP" when time has expired for each speaker. When the bailiff calls time, the speaker must inform the court that time has expired and must refrain from making any further statements or requesting any further time. The court may permit a speaker additional time on its own motion.
- (d) All issues regarding time will be in the sole discretion of the round judges, and must be brought to their attention by one or both teams before the score sheets for that round are collected.

Rule 13. Identification Prohibited.

All teams shall at all times refrain from identifying the school they represent to any judge participating in the Competition prior to or during any round in which such judge shall participate. Judges shall refrain from inquiring of the identity of the teams until the results of the round have been announced. Violation of this Rule will be grounds for disqualification in the discretion of the Coordinating Committee.

Rule 14. Weight of Briefs and Arguments.

In all cases the scores of the competing teams will be computed by weighing the oral arguments sixty percent (60%) and the brief forty percent (40%). The oral argument score will be determined by a panel of judges without knowledge of the brief grade, and will be arithmetically weighted and combined with the brief grade by the Committee under the 60% - 40% formula of this Rule.

Rule 15. Results.

Results of each argument will be announced by the Committee after all arguments in the round are completed.

Rule 16. Awards.

The Competition will recognize the Best Preliminary Round Oral Advocate and Best Overall Oral Advocate. Best Preliminary Round Oral Advocate will be awarded to the individual advocate with the highest average oral scores at the end of the two preliminary rounds. All advocates who argue at least twice are eligible for this award. Best Overall Advocate will be awarded to the individual advocate with the highest average oral scores at the end of the Competition. All advocates who argue at least three times are eligible for this award. In case of a tie for either award, the Competition will recognize all tied advocates (to a hundredth of a point), who will share any monetary prizes.

Rule 17. "Scouting" Prohibited.

No team member or faculty advisor for any team may observe any round not involving such team, until such team has been eliminated.

PART III. OTHER RULES

In addition to the Rules herein set forth, the Coordinating Committee may make any other rules and procedures deemed advisable. Participants will be advised promptly of any amendments or corrections to these Rules.

Requests for the interpretation of these Rules or the record should be addressed in writing to the Coordinating Committee. Interpretations shall be issued by the member of the Southern Illinois University law faculty in charge of the competition and shall be final and binding on all competitors. Any interpretations shall be in writing and sent to all competitors.

The faculty members in charge of this year's Competition are:

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**SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW
NATIONAL HEALTH LAW MOOT COURT COMPETITION
LESAR LAW BUILDING
CARBONDALE, IL 62901
(618) 453-3114**

Below is a list of important dates and deadlines regarding submission of briefs, certification, service of notice, etc. for the Health Law Moot Court Competition.

PROBLEM AND RULES POSTED ELECTRONICALLY AT www.law.siu.edu/healthlawmootcourt	August 10, 2009
ENTRY FEE DUE	September 7, 2009
DEADLINE FOR WITHDRAWING	September 15, 2009
ELECTRONIC DEADLINE FOR BRIEFS FROM SCHOOLS	October 2, 2009
DEADLINE FOR SERVICE OF MEASURING BRIEFS ON CMTE.	October 2, 2009
PRELIMINARY ROUNDS BEGIN	November 6, 2009
COMPETITION ENDS	November 7, 2009
TEAMS LEAVE	November 7 or 8, 2009
SCORES AND RESULTS POSTED ELECTRONICALLY	December 15, 2009

Appendix A: Team Certification

We hereby certify that the brief for _____ (school name) Law School is the product solely of the undersigned, that the undersigned have not received any faculty or other assistance in connection with the preparation of the brief other than as permitted by Rule 8, and that the Computer Disk submitted herewith truly and accurately represents the contents of the body of the brief as provided for in Rule 4(b) of the Rules of the National Health Law Moot Court Competition.

(Team member's name)

(Team member's name)

(Team member's name)