



The College Of
WILLIAM & MARY

Moot Court Handbook

2007-2008

Table of Contents

Membership Requirements.....	3
Moot Court Board Members.....	4
Tournaments.....	7
Bushrod Tournament.....	18
Spong Tournament.....	26
Event Planning.....	34
APPENDIX I: Event Locations.....	40
APPENDIX II: 2008 Bushrod Rules.....	42
APPENDIX III: Financial Policies.....	47
APPENDIX IV: Tournament Policies.....	50
APPENDIX V: William & Mary Moot Court Victories.....	55

Membership Requirements

In order to join Moot Court, a student must agree to meet the following requirements in the letter of commitment:

1. All members must maintain good academic standing with the school.
2. **Advanced Brief Writing:** All members must take the Advanced Brief Writing course. Accepted 1L's should take the course in the fall of their 2L year, and accepted 2L's should take the course in the fall of their 3L year. The course is one unit and covers basic writing skills and the component parts of an appellate brief. The course will largely be graded on writing assignments. Remember, approximately 30-50% of every tournament score is based on the brief. Teams will not advance in a tournament without solid briefs. In this light, *no member may compete in a tournament until he or she has completed the Advanced Brief Writing Course.*
3. All members must compete in at least one (1) tournament their first year on the team, although exceptions can be made for extraordinary circumstances. In the member's second year on the team, the member may elect one of two options: 1) to compete in a tournament during the fall or spring or 2) to become a Team Manager for a competing team. The Team Manager will be responsible for 1) writing a bench brief for their team, 2) helping the Tournament Justice coordinate practice rounds, and 3) aiding in judging/ time keeping/ etc. during practice rounds.
4. All members are required to assist in judging the Bushrod Tournament and supporting the Tournament as needed.
5. All members are required to assist the Spong Tournament as needed. Remember that the Tournament is usually held over a weekend in late February. Members should not make plans for Spong weekend!

Moot Court Board Members

Board Members are responsible for Moot Court's many diverse activities, which include recruiting new members, attending tournaments, hosting the Spong Tournament, and handling administrative matters of Moot Court. While the Chief Justice supervises all these activities, other Board Members will have more specific tasks. The Board will also meet as a whole, as determined by the Chief Justice, to decide various administrative issues. The following is a listing of all Board Members with a description of their duties.

Eligibility:

- 3L Moot Court Members: Any position
- 2L Moot Court Members: Tournament Justice, Spong Justice (though usually given to a 3L Member), Assistant Spong Justice, Associate Spong Justice (Judges and Teams), Assistant Bushrod Justice, Research & Development Justice, Alumni Development Justice
- Non-Moot Court Members: Business Justice, Spong Research Justice, Bushrod Research Justice

•**Chief Justice:** As the Chief Justice assumes the primary responsibility of operating Moot Court, he or she has the greatest responsibilities:

•*Duties:* Moot Court has four overlapping responsibilities: recruiting new members (Bushrod), attending tournaments, hosting a tournament (Spong), and making proactive administrative changes in the program. The Chief Justice is responsible for ensuring that all four of those responsibilities are fulfilled. Additionally the Chief Justice oversees tournament selection, tournament assignments (see Tournament chapter), schedules and oversees all board meetings, is responsible for all structural and administrative changes the team wishes to make, and ensures that all officers are attending to their duties.

The Chief Justice is the team's liaison to the administration and faculty, and should work closely with both the administration and the faculty advisor in dealing with problems and proposed changes to the program. The Chief Justice also ensures that all board members are working within the confines of the Moot Court budget.

•*Dealing With Problems:* It is preferable that the board handles internal problems, but some circumstances demand that problems be referred to the administration. The Chief Justice should have the discretion to make decisions without consulting the board or the administration, when circumstances allow or demand such actions.

The Chief Justice should consult with the faculty advisor as the first step in dealing with significant problems. It is the responsibility of the CJ to keep the faculty advisor apprised of all developments, and inform the faculty advisor if the situation is going to be referred to the administration. Should a problem be referred to the administration, the Chief Justice should first contact the Vice-

Dean. The Vice-Dean will be able to determine whether it is necessary to include the Dean or other Assistant Deans in the resolution process.

- Bushrod Tournament Justice:** Plans and supervises all aspects of the Bushrod Tournament. See Bushrod chapter for further details.
- Associate Bushrod Justice:** Serves as second-in-command to the Bushrod Justice in planning and supervising all aspects of the Bushrod Tournament. Exact duties will vary depend on the needs of the tournament and Bushrod Justice. See Bushrod chapter for further details.
- Bushrod Research Justice:** Selects (together with IBRL), researches, and drafts the Bushrod Tournament Problem and supporting materials. Receive one academic credit for drafting the problem. See Bushrod chapter for further guidelines on the problem.
- Spong Tournament Justice:** Plans and supervises the Spong Tournament, an invitational tournament sponsored by the law school and held every February. See Spong chapter for further details.
- Assistant Spong Justice:** Serves as second-in-command to the Spong Justice in planning and supervising the Spong Tournament. Exact duties will vary and depend on the needs of the tournament and Spong Justice. Also coordinates activities of the Associate Spong Justices. See Spong chapter for further details.
- Associate Spong Justice-Judges:** Supports Assistant Justice and coordinates all logistics concerning judges. See Spong chapter for further details.
- Associate Spong Justice-Teams:** Supports Assistant Justice and coordinates all logistics regarding teams. See Spong chapter for further details.
- Spong Research Justice:** Researches and drafts the Spong Tournament problem and supporting materials; receives one academic credit for drafting the problem. See Spong chapter for further details on the problem.
- Lead Tournament Justice:** Works closely with the Chief Justice to coordinate the division of labor between team coaches and tournament justices; explores tournament options and oversees tournament registrations. See Tournament chapter for further details.
- Tournament Justices (2):** Oversee the production of briefs and schedule practice rounds in conjunction with team coaches; make travel arrangements for competing teams and assign coaches to the teams; performs other administrative duties of the teams.
- Research & Development Justice:** Works closely with the Chief Justice to help coordinate new programs for the coming year, including changes to Advanced Brief Writing class.

•**Alumni Relations Justice:** Acts as liaison between the team, the alumni of the team, and the Alumni Affairs office. Coordinates fundraising efforts, as well as keeping former members informed of current events.

•**Business Justice:** Acts as treasurer for the Moot Court Team. Works closely with the administration to secure funding for the team and is responsible for financial management of the Moot Court budget. See Event Planning chapter for further details.

•**Secretarial Justice:** Acts as secretary for the Moot Court Team and is responsible for reporting tournament results and for postings to the Moot Court bulletin board. Also records the minutes of all board meetings. Updates the Moot Court Handbook each spring. As needed, should provide assistance to the Bushrod and Spong Tournaments.

Tournaments

Every member of Moot Court must participate in at least one tournament per year. Attending a tournament is a major undertaking and requires close coordination between officers and attending members. The Lead Tournament Justice and Chief Justice will select the tournaments that Moot Court members will attend, the Tournament Justices will oversee all administrative aspects of attending a tournament, and, most importantly, attending teams must adequately prepare for a tournament.

I. Lead Tournament Justice

The Lead Tournament Justice is responsible for gathering information on potential tournaments and for registering William & Mary teams for the tournaments. The Chief Justice will make the final selections of which tournaments to attend and which students to send to each individual tournament. The Lead Tournament Justice's chief duties are to provide information to the Chief Justice for the selection process and to carry out the Chief Justice's decisions by registering William & Mary teams.

1. Tournament Information: Upon taking office in the spring, the Lead Tournament Justice must gather information on any potential tournaments as soon as possible! Some tournaments have very early registration dates and will require a very early commitment. The Justice's search should be extensive but limited to the following parameters:

1. Cost Efficiency: Travel costs should be a major consideration. Moot Court has limited funds, and funds must be conserved to ensure that all members can attend tournaments. Generally, West Coast tournaments should not be considered, while tournaments in the Virginia/D.C. area should be given priority (25 tournaments in this area are already on record).

2. Student Interest: The tournament's subject matter should excite student interest and ensure lively participation. Constitutional law issues are an example of a popular topic.
3. Date Range: Both the registration and actual tournament dates should be a consideration. Early fall tournaments will have very early registration dates (as early as the prior April), and students may have less time to prepare. Also, try to avoid tournaments that conflict with the Spong Tournament, which is usually held over a weekend in late February. All Moot Court members will be needed to assist Spong, and members should not be scheduled to be out of town for another tournament on the weekend of Spong.
4. Fall vs. Spring Tournaments: Although most tournaments are held in the spring, a few take place in the fall. Some team members may, for personal reasons or otherwise, find that a fall tournament works better for them than a spring one. For this reason, in the spring the Lead Tournament and Chief Justices may wish to inquire as to whether team members are interested in competing in the fall. Depending on the level of interest, the Lead Tournament and Chief Justices may elect, in keeping with the considerations enumerated above, to expand tournament options for the fall semester.

Within these parameters, the Lead Tournament Justice should gather information on enough tournaments so that the Chief Justice has sufficient choices to ensure that every Moot Court member attends a tournament that is both interesting and convenient (in terms of finances and dates).

The Lead Tournament Justice must collect the following information on tournaments:

- Registration Dates
- Tournament Location
- Costs (including potential travel expenses)
- Brief Deadlines
- Tournament Dates
- Tournament Contact Info

Much of this research has been done by prior Justices and compiled in a Master Spreadsheet, available on the Moot Court S-Drive. The Spreadsheet represents a compilation of all tournaments that have been considered in the past with the information detailed above.

Although past justices have done tremendous research, the Lead Tournament Justice must update and expand this information every year. The Justice should look for new or additional tournaments that meet the parameters described above, and the Justice must update the information in the Spreadsheet every year. Tournament dates, deadlines, and contacts will likely change every year; accordingly, the Lead Tournament Justice must quickly compile the most recent information for the selection process. Look to mailings (as the school will receive many solicitations from tournaments), law school websites (nearly every tournament has a website detailing all necessary information), and school contacts to make sure that all information in the Spreadsheet is accurate and up-to-date.

The Lead Tournament Justice should give special consideration to fall tournaments. Fall tournaments typically have a registration deadline the summer before the tournament, between May and August. As such, the Justice must immediately begin research on deadlines and tournaments upon taking office in the spring. Every year the Moot Court team cannot attend numerous fall tournaments as the school misses registration deadlines. It is the Lead Tournament Justice's responsibility to make sure that this doesn't happen.

2. Tournament Selection: After the Lead Tournament Justice gathers the information for potential tournaments, the Chief Justice makes the final selection of tournaments and the composition of attending teams, based partly on each member's Bushrod rankings. In making these selections, the Chief Justice should remember that the Moot Court team has committed to attending the following tournaments every year:

- ABA
- Nationals (a fall tournament with an early registration deadline!)
- Jessup
- Bankruptcy Tournament (a William & Mary alum has established a fund to send a William & Mary team every year)

The Lead Tournament Justice should make gathering the information on these tournaments a priority to ensure that the team does not miss the registration deadlines!

The Chief Justice will make the final decision on tournament assignments. Priority will be given to 3Ls in order of Bushrod rank. However, rank and class membership do not ensure that a team member will get to choose the tournament they prefer. All attempts should be made to pair students with the tournaments they prefer, however other things may be taken into consideration, such as classes taken that relate to a specific topic, whether they work well with others attending that tournament, and whether that student has received any penalties for not adhering to team rules.

The Tournament Justice shall also compile reviews of tournaments from members as soon as they return to pass on to the next year's members to aid in their selection of tournaments.

a. Jessup International Law Tournament. As of 2006, Jessup tournament rules state, "the ILSA Chapter or International Law Society at each school has the first right to administer a Team or tryouts for a Team, and to provide local administration at each participating school All students in good standing must be given an equal opportunity to try out for the Team. Participation shall not be conditioned upon participation in any other moot court program or competition." (Rules 2.3.1 and 2.3.4, U.S. National Supplement to the Official Rules at 3). This rule effectively gives the W&M International Law Society ("ILS") jurisdiction over W&M's Jessup team. Despite this jurisdiction, all moot court tournaments generally have fallen under the purview of W&M Moot Court.¹ ILS recognizes the unique skill set that Moot Court members offer in competition; Moot Court recognizes the unique interest and educational background

¹ Traditionally, Moot Court has been the vehicle for tournament attendance because of the rigorous intramural try-out competition for Moot Court team participation (ensuring high caliber oral advocacy) and subsequently required Advanced Brief Writing (ensuring high caliber brief writing).

that ILS members offer in competition. In an effort to ensure every future Jessup team is fielded in a manner consistent with both ILS and Moot Court mandates and that the best qualified and most deserving students are selected, the process outlined below shall be utilized in choosing Jessup attendees. This process shall be codified in both ILS bylaws and the official Moot Court handbook.

- I. **Decision to Attend.** Each board should decide, separately, whether to field a team. If either board decides their organization does not wish to participate in Jessup for that particular year, then that organization shall inform the other organization, in writing, about their disinterest. The disinterested team's writing must occur *before* the boards meet to compare proposed attendee lists. The interested board subsequently assumes all responsibility for Jessup, both organizationally and financially, and this cooperation agreement becomes inapplicable.

If, however, the disinterested team's writing occurs *after* the boards meet to compare proposed attendee lists, then certain financial arrangements will be invoked. Namely, if Moot Court withdraws *after* comparison of lists, then Moot Court is nevertheless responsible for one-half (50%) of ILS national dues for that year. If ILS withdraws *after* comparison of lists, then Moot Court is not required to contribute monies towards the payment of ILS national dues.

- II. **Lists of Proposed Attendees.** Assuming each organization decides to field possible attendees, the ILS Board and Moot Court Board will each, separately, compile a list of five (5) proposed Jessup attendees. In an effort to ensure each board undertakes transparent, good faith efforts in selecting their proposed attendees, the following shall serve as guidance:
 - a. ILS Board: Determining Proposed Attendees: ILS will only propose attendees who are dues-paying members of the W&M ILS organization. Criteria that may be considered in the selection process are commitment to the study of international law, interest in the Jessup tournament and preference to a commitment to multiple years of attendance, demonstrated participation in other international law related activities such as study abroad, international law related externships and internships. Additionally, due regard and attention shall be paid to oral advocacy skills.
 - b. Moot Court Board: Determining Proposed Attendees: Moot Court should propose team members who have taken at least one international law class, preferably Public International Law. Further, in order to maintain institutional knowledge for such a highly specialized tournament, Moot Court may decide to place one or two 2L students on the team and recommend that they compete two years in a row. Moot Court will only propose attendees who are on the Moot Court team.
- III. **Team Size and Composition.** Upon returning to school, the ILS and Moot Court boards will meet and decide two points. First, the boards will determine the size of the Jessup team. Second, the boards will determine the composition of the team.

- a. Determining the Size of the Team: Each school may field one (1) team comprised of between two (2) and five (5) members. (Rule 2.2, Philip C. Jessup International Moot Court Competition at 8). Jessup preparation is an intensive task, not only because of the unique two-brief requirement, but also because the subject matter is less familiar to most students. For these reasons, ILS and Moot Court should look to sending the maximum amount of members possible. In making this determination, the boards should bear in mind the fact that in a team of five (5), it is likely that some members will present oral arguments only once.
- b. Determining the Composition of the Team: The ILS and Moot Court boards will examine overlaps between their respective lists. Presumably, an overlapping name between the ILS and Moot Court lists will represent an agreement that the individual(s) should attend Jessup. This comparison of lists may result in agreement over all Jessup attendees, agreement over some Jessup attendees, or no agreement at all. Should the later two instances arise despite good faith negotiations to agree, the disputed names and number of disputed slots should, as a last resort, be referred to a Faculty Committee for resolution based on information offered by both boards about the proposed attendees. This committee shall be comprised of the Vice Dean (Linda Butler), Associate Dean for Administration (Liz Jackson), the Moot Court Advisor (Douglas Miller), and an international law professor. All decisions made by this Faculty Committee shall be binding on both ILS and Moot Court.
- c. Team Preparation and Coaching: Once the Jessup team has been chosen, each member must have taken Advanced Brief Writing (“ABW”) before they may attend Jessup. Moot Court members are required to take ABW in the fall following their selection to the Moot Court team. ILS members selected for the team should contact the ABW instructor for permission to enroll in course.

Coaching for the Jessup team is solely within the purview of Moot Court; Moot Court will attempt to select a coach based on past experience with Jessup.

IV. **Cost-sharing.** Upon determination of team size and composition, the boards should calculate the cost to be borne by each organization.

First, Moot Court has an obligation to contribute funding to ILS in the amount of fifty-percent (50%) of ILS national dues for that year. This is because W&M ILS membership affords W&M a significant discount in registering for Jessup. For instance, in 2006, Jessup registration for an ILSA school was 32.5% (or \$300) less than registration for a non-ILSA school. Moot Court’s obligation to contribute funding can only be abrogated if Moot Court submitted the early, written disinterest described in Section (1.) of this agreement.

Second, each organization shall be responsible for costs based on their proportion of the team. Costs include tournament registration fees, preparation costs (including brief copying and mailing) and travel costs (including hotel fees). In calculating proportionate costs, the following criterion should be considered:

- a. Travel Costs of the Coach: Because Moot Court is solely responsible for fielding the team coach, Moot Court is solely responsible for all travel costs associated with the coach.
- b. In case of proposed attendee list overlap, and therefore agreement, between Moot Court and ILS lists that an individual should attend, the agreed-upon individual shall be considered an attendee traveling under the auspices of the Moot Court team. As such, the Moot Court team will bear financial responsibility for the agreed-upon individual.
- c. Following designation of all Jessup attendees as traveling under Moot Court or ILS auspices, costs will be borne by each organization based on a *proportion of the lists* basis, not mere membership in the organization. For instance, if ILS proposes an individual (selected to attend) who is also a member of Moot Court, but Moot Court does not list that individual's name in their proposed attendee list, then the individual will travel under the auspices of ILS. Likewise, if Moot Court proposes an individual who is also a member of ILS, but whom ILS does not list, then that individual (if selected to attend), shall travel under the auspices of Moot Court, notwithstanding his/her membership in ILS.

As illustration, consider a five (5) member Jessup team, of which three (3) were overlapping names, one (1) a Moot Court, non-ILS member and one (1) an ILS, non-Moot Court member. Moot Court would be responsible for 4/5 of costs; ILS would be responsible for 1/5 of costs.

- V. **Hosting Jessup**. The ILSA national bylaws require that each ILS school host Jessup at some rotational point in time. If W&M ILS is chosen to host Jessup, then the ILS and Moot Court boards confer and discuss how the organizations might best interact in the venture. Timing is critical to consider. In some years, such as 2006, Jessup fell on the exact dates of Moot Court's annual Spong Moot Court Tournament.
- VI. **Amendment of these procedures**. Amendment of these procedures shall only occur with mutual agreement between the Moot Court and ILS boards.

3. Tournament Registration: Once the Chief Justice has selected the tournaments and teams, the Lead Tournament Justice must register William & Mary teams with the tournaments. All tournaments have a registration packet, which contains the necessary registration materials. Although many schools mail these packets in their solicitations, the Lead Tournament Justice may have to contact a tournament directly to receive the materials (look in mailings or on the website to find the contact person).

To register a team for a tournament, the Lead Tournament Justice typically must provide the hosting school or organization with a completed registration form, the tournament fee, and a list of competing members. The registration form usually asks that teams list a primary contact person to whom the tournament should send the problem and additional tournament information—the contact person listed should be the Tournament Justice in charge of that particular tournament. Work with Terri Lorincz for registration fees, as she will provide the checks to each tournament from the Moot Court’s funds.

Also, use the appropriate delivery method in mailing a packet. If a deadline is fast approaching, use Fed Ex. Otherwise, Certified Priority Mail through the Post Office should suffice. The Lead Tournament Justice will initially pay for the shipping out of pocket before being reimbursed through an SBA reimbursement form. Shipping through UPS can be done at Staples with the Moot Court Staples’ card, and the Tournament Justice will not have to pay for these expenses out of pocket. Be sure to keep all receipts! SBA will not give a reimbursement without a receipt.

Even after registering the team and listing the Tournament Justice as the primary point of contact, the Lead Tournament Justice may continue to receive information from tournaments. Any such information must be immediately forwarded to the Tournament Justice and attending team. Similarly, the Lead Tournament Justice should make certain that the Tournament Justice knows in advance the name of the person and/or organization that may be contact the Tournament Justice with relevant information.

II. Tournament Justices

The Tournament Justice acts as a liaison between a competing team and a tournament’s host school/organization. Once a tournament has been selected and a team formed, the Tournament Justice must immediately contact the tournament school and establish himself or herself as the school’s contact at William & Mary. As such, the Justice must ask the Lead Tournament Justice or look to a tournament’s web site and registration forms to find out who at a tournament is responsible for sending out information, then inform this individual that you are to receive all materials and updates. The Justice should ensure that he or she receives information including registration forms, travel forms, due dates, etc.

Remember, the Tournament Justice is not an actual team member; accordingly, under most tournament rules, the Tournament Justice may not assist a team in preparing arguments or briefs. The Justice only handles administrative matters prior to the tournament and ensures that a team has all necessary information on a tournament (such as deadlines, brief writing rules and formats, problem changes, etc.). The Tournament Justice must be extremely diligent in forwarding all tournament updates and reminders to the competing team. Specifically, most tournaments have a deadline for teams to ask clarifying questions, and the Tournament Justice should remind teams of this deadline as it approaches.

The Tournament Justice will be chiefly occupied with administrative duties, such as mailing team briefs, making hotel reservations, making necessary travel reservations, and assigning a team manager.

1. Copying and Mailing Briefs: The Tournament Justice must ensure that all briefs are mailed in a timely fashion and that a team knows the proper format for its briefs. Importantly, while the Tournament Justice must forward all information on a brief's format to the competing team, the Justice cannot alter the brief in anyway as he or she is not a member of the team. If a brief is not properly formatted, the Tournament Justice should return it to the attending team for corrections.

Prior to mailing, the Tournament Justice must print and bind the brief. The Justice should require that a team provide a hard copy of the brief at least 48 hours before it must be mailed, as there are frequently unexpected delays in the copying and binding process. The number of copies needed will depend on each tournament's rules, which outline to whom the briefs should be served. Typically, teams must provide several copies to the hosting school, and only one copy to each of the other competing teams.

Preferably, the copying and binding should be done at Staples, on Richmond Road. Terri Lorincz has a Staples credit card to which all costs should be charged. Go to the service center in Staples to place the order for copying and binding. Check the tournament rules before deciding which type of binding, if any, to use—some tournaments may require one staple in the upper-left-hand corner, whereas others may have no such restrictions. If the team is able to select a type of binding and the rules say nothing to the contrary, wire binding should be selected to minimize costs.

Also check the tournament rules regarding how the actual copies should be made. Although most tournaments do not prohibit double-sided copies, many tournament rules do require that, e.g., the Question(s) Presented have its own separate page. Staples will generally be able to accommodate any specific requests on this matter, but be sure to ask for a sample brief (copied and bound per the order form) before they begin work on the rest of the project. Reviewing this sample brief for accuracy is the best way to avoid the unnecessary confusion, delay, and expense of a miscommunication.

Although Kinko's may be used as a secondary alternative, the Tournament Justice will be responsible for making all initial payments, as the school does not have a credit card at Kinko's. Remember, KEEP THE RECEIPT! In order to be reimbursed, the Justice must fill out an SBA reimbursement form and staple the receipt to the form. Although either Staples or Kinko's can typically finish the copies and binding in a few hours, delays can happen, so be sure to leave extra time for mailing.

Tournament rules will specify how briefs must be mailed. Some schools will require that the briefs be *received* by a specific date, whereas others will require only that the briefs be *postmarked* by a specific date. Similarly, some schools may require a particular

shipping method (e.g., FedEx overnight delivery), whereas others will not. A Justice must follow tournament rules or points will be deducted from a team's brief.

If the tournament has no specific requirements, a Justice may use whatever shipping option seems most appropriate. If a deadline is fast approaching and speedy delivery is essential, Fed Ex should be used. In most cases, however, the Post Office is a suitable alternative that is cheaper and a little slower. With the Post Office, always use Priority Certified Mail. This is a fairly cheap method of delivery, and it generally ensures timely delivery. Also, it's very important to make sure that any delivery is CERTIFIED, so that the Justice receives some proof of the brief's mailing. If briefs are lost in the mail (as happens nearly every year), a team will be deducted points unless they can prove that the brief was mailed in a timely fashion. Certified shipping is the only way to provide this proof, so the Justice must make a copy of the receipt and have it available just in case such proof is needed.

The Tournament Justice must make all initial payments for shipping. For reimbursement, the Justice should fill out an SBA Reimbursement form. Remember, KEEP ALL RECEIPTS! SBA forms require that the receipt be attached. Without the receipt, the Justice will not be reimbursed.

2. Hotel Reservations: The Tournament Justice is responsible for making all necessary hotel arrangements. The Justice should first determine how many nights a team needs lodging. Tournaments are typically held over a weekend and require a two or three night stay. If a tournament is within driving distance (such as in Washington DC), and the tournament concludes on Sunday afternoon, the team is expected to drive back that afternoon rather than stay another night. Otherwise, a team will stay Sunday night and come back to Williamsburg on Monday.

Most tournaments will arrange discount rates for all participating teams at a local hotel. However, even at discounted prices, the suggested hotel is not always the most affordable. While Tournament Justices should consider the suggested hotel as an option, they should also research other hotels in the area to search for alternatives that may better fit within the Moot Court budget. Good online sources include Expedia, Travelocity, and all-hotels.com.

To make the reservations, call the hotel directly. A credit card will be required, and either the Tournament Justice or a Team Member's card will do. The credit card is only intended to hold the reservation and should not be charged. Request that the hotel fax the reservation information to the Law School's main fax line: 757-221-3261. The fax must be directed to Terri Lorincz ("Attn: Terri Lorincz"), include the total price and number of rooms, and be labeled as "Moot Court Travel."

Immediately after making the hotel reservation, the Tournament Justice should inform Terri of the reservations, telling her the exact dates of travel and the names of members attending. Once Terri receives the fax from the hotel, she will cut a check for the hotel. The competing team should then pick up the check before leaving for the Tournament and take it with them for payment.

3. Plane Reservations: If a tournament is more than a few hours drive away, the Tournament Justice should book airline tickets for the competing team. In calculating the dates for flight, the Justice should make sure that the team arrives early enough to check into hotels and arrive at the first tournament events. Also, the team's departing flight should be scheduled so that the team has adequate time to get to the airport after all tournament activities, including the awards ceremony, are completed. Check the tournament schedule carefully before booking tickets, as it can be very expensive to change flight times once tickets have been booked.

Once the flight dates and times have been determined, the Tournament Justice should go to Terri Lorincz with the flight times and the names of everyone who will be traveling. Terri typically assigns a Graduate Research Fellow (GRF) to find and book the cheapest tickets online, and Terri's office will charge the tickets to a school credit card. Reservations are made online, and team members may receive their tickets at the airport.

Members will be reimbursed for the cost of parking at the airport. Members will also be reimbursed for the cost of a cab to and from the airport to the hotel ONLY. If the hotel is a far distance from the

4. Team Managers: A Tournament Justice has the option of assigning a manager to each team. The Coach will not be a member of the team, but will instead help the team schedule practice sessions and provide general advice, as well as writing a bench brief to assist the practice round judges. When assigning coaches, Tournament Justices should consider Moot Court members who have previously attended the same tournament since his/her experience can provide valuable insight.

III. Attending Teams

Teams are generally comprised of two to three members, and William & Mary may send multiple teams to a tournament. Teams are responsible for preparing briefs, preparing oral arguments, and bearing some travel costs.

1. Briefs: Before beginning work on the brief, teams must be sure to familiarize themselves with the tournament's rules concerning briefs and research, especially whether the tournament is open- or closed-research. Teams should also be clear on the extent to which team members may consult professors and other non-team members on substantive issues related directly or indirectly to the tournament problem. Some tournaments allow team members to consult outside persons on general matters, whereas others strictly prohibit any such consultation. Similarly, teams should be clear on the extent to which non-team members may comment on the brief—some tournaments allow others to read the brief for grammatical errors and “flow,” whereas others prohibit team members from seeking any such feedback.

Teams must also learn whether the tournament requires that each team write only one side's brief or both (e.g., Jessup's requires that teams write the briefs for both sides of the problem). If a team only needs to brief one side, then the tournament usually assigns each team to be "Petitioner" or "Respondent." If William & Mary is sending two teams to a tournament, and each team only needs to brief one side, consult the tournament rules to determine which side each team should brief—some tournaments still assign sides, whereas others allow the two teams to choose for themselves.

Once a team obtains the problem, the team should immediately study it and commence research (if the tournament allows open-research). Problems generally contain two opinions—one written by the trial court and one written by the appellate court. The appellate opinion is usually accompanied by a dissent. These opinions will present the arguments for both sides and contain references to many pertinent cases and sources, thus providing an excellent starting point for a team's research.

Teams are responsible for timely completion of the brief as well as its proper formatting according to tournament rules. Teams must give completed briefs to their Tournament Justice *at least* 48 hours prior to when it must be mailed (tournaments generally set deadlines for when a brief must be mailed). The Tournament Justice will double-check to make sure that the brief is properly formatted, however, it is always the team's duty to properly format briefs, and teams will be expected to fix any mistakes.

2. Oral Arguments: Most Moot Court tournament problems present two main issues for oral argument. Although tournament rules will specify how many people may argue each side, most tournaments require that two people argue per side, per round. For most three-person teams, this means that one person will need to be the "swing" competitor—i.e., he or she will need to argue both sides of one issue. The remaining two team members will argue opposite sides of the other issue.

Generally, each team member will argue the part of the brief that he or she wrote, although this can be complicated with three-person teams. When deciding which issue the swing competitor should argue, consider the relative complexity and depth of the issues presented. When deciding which member on a three-person team should be the swing competitor, consider not just individual ability, but also the additional workload that arguing both sides entails. The swing competitor will have to argue in every round regardless of which side the team is arguing, so he/she should be willing and able to commit the extra time and energy needed to prepare and deliver both sides of an issue.

The team members may make the final decision as to who will argue which issue and side(s). Remember that each team must argue both on-brief and off-brief during a tournament! Keep this in mind when preparing oral arguments.

Teams should generally hold at least three oral practice rounds prior to the tournament. If William & Mary is sending two teams to a particular tournament, check the tournament rules before scheduling any practices in which the two teams would argue against one

another. Most tournaments will allow the two teams to practice together, but only for a certain number of times and within certain parameters.

Ideally, the judging panel for a practice round will include two or more judges, at least one of which is a professor knowledgeable about the problem's subject matter. In addition to the professor(s), or if no professors are available, experienced 3Ls may act as judges. Team members must consult the tournament rules before practice begins to determine the extent to which judges may comment on the team members' performances. Team members should make sure that they are clear on these rules and that the judges are aware of any such restrictions.

- 3. Travel:** While the Tournament Justice will make most travel arrangements for teams, team members must bear certain responsibilities. Teams may be required to drive to tournaments near Williamsburg, although Moot Court will reimburse actual gas expenses. Please keep all receipts! Teams are also responsible for all costs beyond air travel, hotels, and cab rides to and from the airport, such as food and incidentals. Consult the Moot Court Financial Policy for any questions regarding what will be reimbursed.

Bushrod Tournament

The Bushrod Tournament is held every spring semester as a competitive process to select new Moot Court members. The Tournament has also been expanded to include the IBRL Symposium, and Bushrod will therefore address a timely constitutional issue (as determined by IBRL). The Tournament is extremely important to both the Moot Court Team and aspiring members, and its conduct should be undertaken with the utmost seriousness to ensure that (1) all competitors are given equal opportunities to succeed and that (2) the Tournament identifies the best oral advocates for membership in Moot Court.

I. Tournament Preparation

Preparation for Bushrod must begin the fall before the actual tournament. The tournament is a major undertaking and will involve a substantial part of the law school community and Moot Court Team. Tournament preparation must be extensive and include planning tournament dates, reserving the necessary rooms, developing a problem, and hosting two tournament information sessions for competitors.

- 1. Tournament Dates and Room Reservations:** The Tournament may have as many as a hundred competitors, and as such will require a substantial number of the law school's rooms. Typically, the rooms in the law school's north wing serve as the venue for the competition. And as there are always many activities going on within the law school, these rooms should be reserved as soon as possible to ensure a sufficient number for the tournament's needs. Reservations should be made no later than October!

In order to reserve the necessary rooms, the Bushrod Justice must first determine the tournament's dates and times. The tournament will last 3-4 weeks and should be hosted from mid-January to early February. The Justice must ensure that Bushrod times do not conflict with any other major events at the law school, such as programs from the Legal Skills or Career Services Offices. Both offices will likely have mandatory programs for 1L's and 2L's during the tournament, so the Bushrod Justice should visit both offices to discover their spring plans and avoid scheduling argument during these events. Also, Bushrod should ideally be completed before the Spong Tournament begins in mid-February, as each Tournament requires substantial resources and volunteers from the Moot Court Team.

In calculating the necessary number of rooms, remember that the first two rounds will have the most competitors and require the greatest number of rooms. In these rounds, arguments are held Monday-Thursday from 6-10pm, and on Friday from 3-10pm (there are no arguments during the weekend). The last rounds will typically have only 25-30 competitors and require far fewer rooms and argument times. Each argument will take approximately one hour, and each room can host 4-6 arguments per day.

Considering these criteria, the Bushrod Justice should make a rough approximation of the needed rooms and then meet with Gloria Todd and Dean Jackson in October to actually reserve the necessary rooms. They will require very specific dates and times, so be prepared. As the exact number of competitors will not be known until immediately before the tournament, reserve as many rooms as possible so as to ensure a sufficient number. Once competitors have committed and arguments have been assigned, extra room reservations may be cancelled through Gloria Todd.

2. The Problem: The Research Justice will create Bushrod's problem in consultation with the Bushrod and Assistant Bushrod Justices. Bushrod has been combined with the spring IBRL Symposium, and as such the Bushrod problem will always have a constitutional theme as determined by IBRL. In combining the events, Moot Court has agreed to structure Bushrod's problem around the theme of the IBRL's annual symposium, so the Research Justice must discover the symposium's theme before writing the problem, preferably no later than October (the subject must be obtained in October to allow adequate time in researching the problem!). IBRL will only provide the general subject matter for the problem, and the Research Justice will develop the actual factual scenario and research. Though the problem should reflect IBRL's Symposium, the Research Justice need not get IBRL's formal approval of the problem.

The problem should consist of a fact pattern and the necessary research for competitors to develop their arguments. Bushrod is a closed-research tournament, and Competitors will therefore be limited to the provided cases as well as the cases cited within them to develop their arguments. The Research Justice is responsible for ensuring that the provided District and Circuit court opinions support arguments for both sides of the problem, so that petitioners and respondents will have roughly equal support for their arguments.

In developing the problem, the Research Justice should consider several factors. First, the problem must be balanced, so that either side has an opportunity to win the argument. Second, the problem should be interesting so as to excite the interest of competitors and judges and ensure lively competition. Last, the Research Justice should request that at least two knowledgeable professors look over the problem and provide input. These professors should typically be constitutional law scholars, such as Profs. Douglas and Van Alstyne.

The problem should be completed and approved no later than November. The Problem will be posted on Blackboard during Christmas Break so that competitors may begin developing their arguments. A hard copy of the problem will also be distributed to competitors during an information session in the spring semester.

3. Information Sessions: The Bushrod Justice should hold two information sessions in order to inform potential competitors about (1) tournament rules and procedures and (2) the nature of the Moot Court Team. The first information session should be held in early November and serve as a general introduction to the Bushrod Tournament and Moot Court. The Bushrod Justice should discuss the procedures of the tournament (each competitor must argue as both petitioner and respondent each round, time limit for arguments, process of making argument before judges, etc.) and also highlight the overall timeline of the tournament (release date for problem, dates of arguments, deadline to commit, etc.). Students should also be given an opportunity to ask questions about the tournament and Moot Court in general.

A second information session should be held a few days into spring semester. Information from the first session may be repeated as necessary along with another opportunity for questions, but the session is primarily to hand out and explain the competition packet, which consists of a student's competition number, the problem and its research, the tournament's timeline, and the intent to compete form. The intent to compete form should be due approximately one week after the meeting. The Bushrod Justice should explain that while the intent to compete form is not absolutely binding on a competitor, its completion will enter a student into the tournament, and once arguments have been assigned a student cannot withdraw until the completion of that round (the same holds true for later rounds, a competitor may not withdraw once arguments have been assigned).

At both meetings, the Bushrod Justice should emphasize that competitors invited to join Moot Court are not required to join, as in the journal competition. Instead, all competitors invited to join Moot Court must first agree to the membership requirements of Moot Court (*see* Membership Requirement chapter). The Bushrod Justice should also emphasize that competing in the tournament is a major undertaking that will require a substantial time commitment, and as such a decision to compete should be taken very seriously.

As competition in Bushrod is such an immense undertaking, students should be given every opportunity to understand the nature of the tournament before making their

decision to compete. In this light, the Bushrod Justice should ensure that competitors understand the nature of the tournament by hosting the following activities:

(1) The Bushrod Justice should conduct a sample argument between two Moot Court members for the general viewing of competitors, though this argument should NOT be based on the Bushrod problem. This argument may be conducted at an information session or by itself at a later time. This should be conducted before the intent to compete forms are due.

(2) As soon as possible after the intent to compete forms are due, students should also be given the opportunity to conduct individual practice arguments before 2 judges. The argument will not be scored. Competitors will only be given comments by the judges. In the past, these arguments have been seven minutes long.

II. Conducting the Tournament

The Bushrod Tournament will be held approximately one week after the intent to compete forms are due, sometime in mid-January. The Tournament's purpose is to select and rank the incoming members of the Moot Court team. The tournament will last approximately 3-4 weeks, and the Bushrod and Assistant Justices must ensure that all arguments are conducted fairly and that the tournament identifies the best oral advocates for membership in Moot Court. To accomplish these duties, the Justices must schedule all arguments, follow the tournament format to ensure fair competition, and score all competitors to identify the best oral advocates

1. Scheduling Arguments: The Bushrod Justice must schedule arguments according to the scheduling needs of both competitors and judges, ensuring that there are three judges and two competitors for each argument.

Bushrod arguments are to be held Monday-Thursday, from 6-10pm, and on Friday from 3-10pm, if necessary. It is the duty of each competitor to list all conflicts with this schedule when turning in the intent to compete form. Looking at these schedules and working within the times outlined above, the Bushrod Justice will then schedule each competitor to argue twice per round, ensuring that there are no conflicts, i.e., no competitor should ever have to skip a class in order to compete. It is extremely important to the law school's administration that no student miss a class, and the Bushrod Justices should therefore adhere closely to this rule. As such, the Bushrod Justice should be as flexible as possible to accommodate the schedules of all competitors.

In scheduling arguments, the Bushrod Justice should follow these parameters:

- Competitors should not face each other twice in the same round
- Competitors should not argue twice before the same judges in any round
- In the first round, 2L competitors should only argue against other 2L competitors. These 2L restrictions do not carry over to subsequent rounds.
- Judges should be relieved from at least one argument per night to allow time for a meal, or a dinner break for all judges should be placed in the night's schedule.

The Bushrod Justice should allow one hour for each argument. Though arguments will not likely take this long, the extra time will allow judges to rest and ensure that arguments do not fall behind during the course of the tournament.

2. Tournament Format: While the format of the Bushrod Tournament is meant to mirror a typical moot court tournament, one significant difference is that there is no written component to the Bushrod Tournament. Competitors do not write briefs. The Tournament and its scores are based entirely on oral advocacy.

Each competitor must argue both sides of the problem in each round of the tournament, with cuts being made at the end of each round. An argument consists of two competitors, playing the roles of petitioner and respondent, arguing before a panel of three judges, who are all Moot Court members. Each competitor has 15 minutes to argue, with the petitioner also having the option of reserving up to 3 minutes for rebuttal. Judges are free to ask competitors questions at any time during their argument. At the conclusion of both arguments, judges will provide comments to both competitors. While each judge will also score a competitor after every argument, judges do NOT tell competitors their scores. Scores must be kept confidential among the judges and Bushrod Justice.

Each round of Bushrod takes place over one week, with rounds being held in consecutive weeks. In the first round, every competitor will argue once as respondent and once as petitioner during the round and receive a total of 6 scores (3 judge scores from each argument), which the Bushrod Justice will average and use to create a ranking of all competitors. (*see* scoring section below) The Bushrod and Assistant Justice will then use these rankings to make the first cut.

There will be two to three cuts in the tournament, depending upon the number of competitors. Ideally these cuts should be near equal in number. The Bushrod Justice should again start the process of scheduling arguments in light of all competitors' schedules.

The second and/or third round will proceed precisely as the first and take place in consecutive weeks following the first round. The final round will mark the final cut of competitors in determining Moot Court invitees, and this cut will be determined solely based on the scores of the competitors. The Bushrod Justice, with the help of the Board, will decide the exact number of competitors to be offered membership in light of the rankings. One note: no more than 20% of incoming members may be 2L's, as it is Moot Court policy to strongly encourage students to join Moot Court as 1L's so that they can gain more experience with the team.

After the final cut, the top 8 competitors from the final rankings will be invited to compete further in order to determine the tournament champion and top rankings. If a competitor refuses, then the next competitor in the rankings will be invited instead until 8 competitors have agreed to advance. The final rounds will take the format of a tournament bracket, in which the top ranked competitor argues against the 8th ranked

competitor, the 2nd against the 7th, and so forth. The arguments will all take place during the same day from 6-10pm, and all arguments will be in the same room before the same panel of 5 judges (again, 5 Moot Court members). Competitors will argue only once, as petitioner or respondent, as scheduled by the Bushrod Justice. Judges will determine the winner of each argument, but they will not assign scores. The 4 winners will advance, while the judges must further rank the 4 non-advancing competitors.

The last round of the Bushrod Tournament is used to determine the top 2 competitors to advance to the IBRL final and also to determine the final top rankings for Moot Court members. The bracket winners will face each other as in the final arguments (the winner of the 1 v 8 bracket will face the winner of the 3 v 6 bracket, and the winners of the 2 v 7 and 4 v 5 brackets will face each other). As in the previous round, each competitor will argue only once as respondent or petitioner. The arguments will be held the same day before the same panel of 9 judges (7 robed judges, and the Bushrod and Assistant Justice will also be present and act as bailiff), and the judges will again decide a winner from each argument to advance to the final at the IBRL Symposium, but the judges again do not score competitors.

In addition to determining the winners to advance to the IBRL tournament, the 7 judges must reach a consensus on determining the final rankings of the top four competitors. Judges are not bound by any specific standard or by who won the final two arguments in making the ranking. Further, the final IBRL round is entirely apart from the Bushrod Tournament and will not affect the final rankings. These rankings are more important to the Bushrod Tournament than determining the winners to advance to IBRL.

And as a last matter, the Bushrod Justice must provide food to all judges during each night of competition. Groups that often donate food include Lexis and Westlaw, SBA, IBRL, and Dean Reveley. Other than this, all meals should be provided from Moot Court funds.

- III. **Tournament Scoring and Ranking:** Each competitor will receive a numerical score from each individual judge that he or she argues before. This score will be on a scale of 50 points, with 50 being the best score and 1 being the worst. Competitors will receive a total of six scores each round, and these scores will be used cumulatively to determine a competitor's ranking.

It is the Bushrod Justice's duty to compile scores and to form rankings so as to accurately reflect the best oral advocates, and this can be an extremely difficult task. Judges have little guidance in assigning scores (past experience has shown that judges typically ignore guidance and score as they please). Judges are always very different in how they score competitors, with some judges consistently giving very high scores and others giving consistently low scores, and these tendencies lead to wildly divergent scores. Simply averaging scores together do not produce accurate rankings as this does not account for the different scoring tendencies of judges.

Rather than averaging scores, the Bushrod Justice must find a way to discern each judge's scoring habits and develop a spreadsheet to account for these variances. For example, a low-scoring judge might typically give scores in the mid-20's, with an exceptional competitor receiving a score only in the 30's. The Bushrod Justice must recognize that these scores are typically 10 points below where scores would normally be on a 50-point scale, and curve the scores so as to reflect which competitors received low, average, and high scores. The Bushrod Justice should balance scores by using the tournament equivalent of the mandatory curve on each judge's scores. Look at each judge's scores collectively and develop a spreadsheet to standardize them in this manner, so that the scores brought together to determine a competitor's average and ranking have been standardized to account for the divergent scoring tendencies of student judges.

Scores from each preliminary round carry over so that rankings reflect cumulative scores throughout the tournament. These scores will accumulate over each round to determine a competitor's ranking to eliminate competitors in the first three rounds and determine which competitors are invited to join Moot Court. Bushrod rankings are also significant to Moot Court members, as they be a factor in determining what tournament members will attend. Top ranked members generally go to the most prestigious tournaments, such as Nationals, ABA, and Jessup, but the Chief Justice will make the final decision as to tournament participation. Hence, ensuring that Bushrod's rankings are accurate is essential to the success of Moot Court, as the Tournament must identify the top advocates for competition at the highest levels.

III. Judging in Bushrod

Participating in judging the Bushrod Tournament is a membership requirement for all Moot Court team members (*See Membership Requirement R.4, supra* page 3).

a. Bushrod Bar Review Policy

The Moot Court Board announced a policy regarding members' attendance at Bar Review during the Bushrod Tournament. Namely, all teams members are prohibited from attending bar review during the three seminal weeks of Bushrod. This policy will not affect judges' attendance of the SBA sponsored Barrister's Ball.

The purpose of this policy is to address indiscretions and inappropriate disclosures that may *appear* to arise when Bushrod judges and competitors fraternize during active periods of judging and competition.² This policy is not meant to "punish" any singular individual or groups of individuals. It is an attempt to ensure the Bushrod tournament is administered with professionalism and propriety.

² See MODEL CODE OF JUDICIAL CONDUCT Canon 2 (2004) ("A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities").

This policy necessitates a limited and temporary constraint on members' ability to socialize where, and with whom, they choose. Members should understand this constraint as being beneficial for the team as a whole.:

(I) Definitions

- a. "Bar Review" includes the venue at which the weekly SBA-facilitated event is being hosted on any given Thursday during the core three weeks of the Bushrod Competition.
- b. "Competitor" is a person actively competing in the Bushrod tournament. Once a competitor is eliminated, he/she is no longer a competitor within the purview of Moot Court.
- c. "Disclosure" is *any* discussion between judges and competitors or non-competitors relating to the content of the Bushrod problem and/or Bushrod scoring. Judges may only discuss these matters with other judges and/or Moot Court Team-members.
- d. "Intentional" describes acting for the purpose of causing a certain result, or knowing that a result will occur based on his/her conduct, or knows that a result is substantially certain to result from the conduct.³
- e. "Judge" is an existing member of the Moot Court Team serving as judge during the Bushrod Moot Court Tournament ("Bushrod"). According to the Moot Court Handbook ("Handbook"), *all members are required to assist with judging responsibilities in the Bushrod Tournament.*⁴ Ipso facto, all team-members are Bushrod judges.
- f. "Supermajority" of the Moot Court Board denotes the vote of, at least, 10 of 14 members.
- g. "Team-member" is an existing member of the Moot Court Team.

(II) Deviations from Existing Nondisclosure Policy / "General Nondisclosure"

Currently, the Handbook prohibits any disclosures between Bushrod judges and competitors concerning the Bushrod problem⁵ and resulting scores.⁶

If a judge is accused of violating the general nondisclosure policy, the accused judge will receive written notice of an automatic closed hearing before the Moot Court

³ Derived from the definition of "Intentional" in BALLENTINE'S LAW DICTIONARY (3d ed. 1969).

⁴ Moot Court Handbook, 3 R.4 (2006-2007).

⁵ "Bushrod is a closed-research tournament; competitors are therefore limited to cases and materials provided to them." Moot Court Handbook at 15.

⁶ "Although judges should score competitors after each argument, judges should NOT tell competitors their scores. Scores must be kept confidential among judges and the Bushrod Justice." *Id.* at 17.

Board. The accused judge will testify as to whether the disclosure occurred. The accused judge may present evidence on his/her behalf. Because the Honor Code is in effect as to the accused judge's testimony, a lack of corroborative evidence is not necessarily detrimental to an accused judge's claim of innocence. An accused's testimony alone, if believed, may be sufficient evidence to prove innocence. Following this hearing, the Board will hold a closed-doors vote as to whether the judge has violated the nondisclosure policy. It requires a supermajority vote of the full Board to find disclosure. If the Board finds the judge violated the general nondisclosure policy, the judge is deemed ineligible to further judge Bushrod.

Because all team members must fully participate as judges during Bushrod, a member deemed ineligible to judge will have failed to meet the requirements for Moot Court Team membership.⁷ Thereupon, the judge shall be dismissed from the team. The Board will notify the accused judge of its findings in writing.

(III) Deviations from Bar Review Policy

The Moot Court Board has announced a policy prohibiting Bushrod judges from attending Bar Review during the core three weeks of Bushrod.

If a judge is accused of violating the Bar Review policy (i.e., attending Bar Review during the prohibited dates), then the accused judge will receive written notice of an automatic closed hearing before the Moot Court Board. The accused judge will testify—bound by the Honor Code—*solely* as to whether he/she attended Bar Review. It requires a supermajority vote of the full Board to find the accused judge attended Bar Review during the prohibited period.

If the Board finds the judge attended Bar Review during the prohibited period, then the Board will presume disclosure on the part of the accused judge. If the Board finds the judge attended Bar Review during the prohibited period, then the Board will presume a violation of the Bar Review Attendance policy. The accused may rebut this presumption by showing clear and convincing evidence. If the Board presumes such a violation, and the accused does not rebut the presumption, the accused judge is deemed ineligible to further judge Bushrod.

Because all team members must fully participate as judges during Bushrod, a member deemed ineligible to judge will have failed to meet the requirements for Moot Court Team membership. The judge shall be dismissed from the team. The Board will notify the accused judge of its findings in writing.

Spong Tournament

William & Mary's Moot Court Team annually hosts the Spong Tournament over a weekend in late February. The tournament is unique. It is an opportunity to further both the Moot Court's and the School's reputations. It can only remain unique because of the combined efforts and work of the Spong Justices, the Research Justice, and all Moot Court members. The tournament is a tremendous responsibility and not one to be taken

⁷ See *supra*, note 2.

lightly. It is the Spong Director's duty to leave the tournament better than he/she found it, as well as meeting with his/her successor to address every single aspect of the tournament prior to graduating.

The following chapter outlines the general duties of the Spong Director and Associate Justices in hosting the tournament. More than anything, a successful tournament depends on advanced preparation. The Director's preparation may determine the success of the Spong Tournament.

•Key Tools in organizing the Tournament:

•S-Drive: The S-Drive contains materials created and collected by previous Spong Directors in their preparation for the Tournament, including: templates for all forms and letters associated with the Tournament; directories of judges who have participated in past Tournaments; directories of school contacts in recruiting teams; and much more.

•The Deans: Either as a contact in communicating with potential participants, or as a general source of information, the Law School's Deans can be of tremendous aid. Dean Reveley especially has shown a strong interest in supporting the Moot Court Team. Further, any extra spending will have to be approved by Dean Reveley.

•Terri Lorincz: Law School's chief Financial Officer. She will be in control of the tournament's budget and arrange many financial matters. The Director will need to work closely with Terri throughout the process of Tournament preparation.

•Ian Conner: A William & Mary alum now living in the Washington, DC area. He is a past officer of Moot Court, and he's always a tremendous help in organizing the Tournament. He generally operates the Tournament's scoring system, and he's a great source of advice for nearly any problem due to his vast experience in organizing the Tournament. His wife, Melissa, is also a past Spong Research Justice and typically helps in organizing or judging the tournament. His contact information is in the Moot Court S-Drive.

•Gloria Todd: Work with Gloria to reserve rooms at the School for the Tournament.

•Trotter Hardy: Head of the Law School's IT Department. Work with him in updating the tournament's website. In the past, he has generally donated some of his GRF's to work on keeping the website up-to-date.

•Past Tournament Directors: Be sure to talk extensively with outgoing officers to get a clear idea of the Director's duties and the challenges that lie ahead.

I. Organizing the Tournament

Organizing the Tournament will require a tremendous time commitment, and the Spong Director must *immediately* begin preparations once elected, i.e., the spring before the Tournament. The key duties in organizing the tournament include recruiting teams, recruiting judges, and arranging to host all participants. Expect problems and delays, and never underestimate the time these duties will require.

1. Recruiting Teams: Immediately upon taking office in April, the Spong Director should begin soliciting schools to participate in the tournament. Ideally, between 20 and 25 schools should participate in the tournament. An emphasis should be placed on recruiting Virginia teams, but not to the exclusion of recruiting teams throughout the nation. The tournament should ideally have a national scope with a focus on Virginia.

The Moot Court's S-Drive contains a database of contact information for various Moot Court teams that have participated in the past. Though this information is a good start, remember that Moot Court officers change every year. Therefore, some amount of discovery is required each year to determine who is responsible for selecting a team's tournaments. Often, contacting a team's faculty sponsor is the quickest way to find out whom the Spong Director should be in contact with.

Try to focus on schools that have participated in the tournament in past years, as they are more likely to return, though never overestimate the memory of new officers. New officers may have no idea what tournaments their team traditionally attends, and they may therefore need some reminding. And even if a school has never participated in the tournament, try to convince the new officers that they should attend. As Moot Court teams and Boards change every year, a team's tournament preferences will change every year. Recruiting new prestigious schools to participate in the tournament will strengthen the tournament's reputation.

The first step in recruiting teams is to draft a letter from the templates available on the Moot Court S-Drive. Describe the Tournament's Constitutional theme, the logistics, the costs, the itinerary, and the awards. Also, include an application for the tournament and list the Moot Court's website, email address, and mail box so that teams can easily contact the director with questions. Most importantly, include a list of the previous year's judges and emphasize their prestige. The most unique and impressive part of the Spong Tournament is that competitors will be appearing before sitting appellate judges. Panels in our preliminary rounds are as or more impressive than most tournament's finals panels. The teams need to see and understand this.

After sending out these letters, the real work starts. The Director must constantly follow-up with schools that he or she wishes to recruit. Remember, new officers are often very disorganized, and they may well forget or lose information about the Tournament. Persistence is the key. Make sure a team's officers know about the Tournament. Be in constant communication with both the officers and the faculty sponsor. Make it clear that you want them to participate. Direct communication through phone calls and email can

be very important. Teams will usually attend the Tournament if they are hotly pursued. Do not worry about having an oversubscribed tournament, within reason. The tournament can get extra judges from local courts, alumni and practicing attorneys. The most important thing is that we have enough teams to make for a successful and competitive tournament.

2. Recruiting Judges: Concerning judges, the Director should seek to (1) recruit a sufficient number of judges to serve the tournament and (2) recruit prestigious judges to bolster the tournament's reputation. Time is of the essence. Set the date for the tournament as soon as possible. This will allow you to send out judging invitations to federal appellate court judges before the end of the school year for next year's tournament. This is a necessity. The federal appellate judges are in great demand and tightly scheduled so the earlier they have notice, the higher the chance of getting them. Play up the panel of judges from past tournaments and cite the tournament's long history and topical issue choices. The tournament has been lucky to have three consecutive problems granted cert by the Supreme Court the following year. Few tournaments, if any come close to that record. For this group of judges, follow-up with a second letter in the fall when you send out the other judging invitations.

Ideally, judges should preside over every single round of the tournament. There should never be a student judge (if this is an absolute necessity, the Spong Research Justice should be the first choice.) Professors and practitioners may be sought out should the need arise. Three judge panels preside over all preliminary rounds, and up to seven judges preside over the final round. Recruit as many judges as possible to ensure that all rounds are properly judged. One final thought: teams often complain that the tournament's judges are overwhelmingly elderly, white males. Try to recruit a diverse bench for competitors.

The Moot Court's S-Drive has a database of judges (1) who have participated in past tournaments or (2) who are William & Mary alumni. Judges who have participated in the past are the best resource for recruitment. Also, don't neglect judges that have refused invitations in the past but expressed interest in participating at some future time. Reach out to as many judges as possible, but focus recruitment efforts on those who seem most interested. Further, the Deans and faculty can be a great resource in contacting and recruiting judges. The best overall source though will be previous Spong justices. Never hesitate to contact them.

The VTLA (Virginia Trial Lawyer's Association) is another great resource in recruiting Virginia judges. Contact the Member Director, Cindy Harper, and she will be willing to send all members information on the tournament. Send her a letter and tournament itinerary with a request that she collect answers no later than late October/early November. Her contact information is on the S-Drive.

In recruiting judges, it is best to write them. The S-Drive has templates for letters, but each letter should be individually tailored to a judge (for example, note whether he is an

alum, has participated in the past, or previously expressed a desire to participate in the tournament). Include information about the tournament and an itinerary. Further, try to make the tournament appealing to a judge. Invite their family, tout colonial Williamsburg, offer perks, etc. Many judges will also be attracted by the opportunity to judge a constitutional issue and to receive a free trip to Williamsburg. Do whatever it takes to get a judge's interest. Make the judge feel wanted, but be careful not to become a nuisance.

Overall, recruit as many judges as possible. Getting enough judges is the primary concern for the Director, but the Director should also attempt to recruit a hand-full of prestigious judges, with a Supreme Court Justice being the ultimate goal. Still, these efforts are generally more of a gamble and should not detract from ensuring there are enough judges to serve the tournament.

3. Hosting Arrangements: Ideally, hotel reservations for teams and judges should be made no later than the September before the Tournament starts, in order to ensure the best rates and an adequate number of rooms. Remember, Williamsburg's hotels fill quickly, and February is typically a busy season for conventions in Williamsburg. While the Director must wait long enough to gauge how many rooms are needed, the Director cannot wait so long that rooms are no longer available.

The Director must work closely with Terri Lorincz in reserving hotel space. Terri will negotiate a contract with the hotel to reserve a block of rooms for participants. Generally, participating teams are housed at the Hospitality House, while judges receive somewhat nicer accommodations. Recently, judges have stayed at the Homewood Suites on Williamsburg By-Pass Road. Also, remember that some judges will bring their spouses and family, and accommodations must be made accordingly.

Talk to the previous Spong Justices about their experience with different hotels and vendors. If possible, Homewood Suites should be reserved for the judges. **TERRI LORINCZ IS IN DIRECT CONTACT WITH THE HOMEWOOD SUITES, SO GET WITH HER IMMEDIATELY UPON ASSUMING YOUR DUTIES.** The judges love Homewood, but Homewood can be crafty. As a last thought, it's best to keep judges and teams in separate hotels so that the two don't intermingle and create a sense of unfairness.

Three vans should be arranged to bring judges to the law school from their hotel. Get 2L & 3L team members 25 years or older to act as drivers. The school can provide vans, though student drivers must take a short course in safety driving through the College. Participating teams are generally left to reach the law school on their own as they are within walking distance, though directions should be provided so as to avoid confusion.

Some meals must also be provided, depending upon the itinerary established the Director. At a minimum, the meals to be arranged will include:

- Friday Night Judges Cocktail Party/ Dinner
- Judge's Spouse/Guest Lunch

- Judge’s Lunch
- Competitor’s Lunch
- Cocktail Reception after Final Round
- Final Awards Banquet

The best way to organize these services is to consult Terri Lorrincz – she will have copies of the previous year’s arrangements, which is an excellent place to start. Options include Manhattan Bagel or William & Mary’s Dining Services.

II. Conducting the Tournament

The actual tournament will involve the development of a problem, preparing all teams and judges, conducting the brief-writing competition, and conducting the arguments. To ensure that the Tournament goes smoothly, the Director should make extensive plans and preparations before the Tournament begins.

1. The Problem: The Spong Tournament is traditionally based on a *timely* Constitutional issue, meaning a Constitutional issue of some contemporary relevance. The Spong Research Justice is responsible for drafting the problem. The Justice should work in consultation with the Spong Director as well as faculty members who have extensive knowledge of Constitutional issues. The Research Justice should make the initial draft and then send copies to the Spong Director and Moot Court advisor for revisions. Professors knowledgeable in the field should also review the problem. The final draft should be completed no later than October to ensure that competitors have adequate time to prepare their arguments.

The problem should be timely and interesting to both competitors and judges. A timely problem is one that is likely to be discussed in current legal news or popular news. The problem should also be interesting so as to inspire active participation from both teams and judges. Participants are less likely to return to the tournament if they felt a problem was boring or irrelevant. Also, the problem **MUST** be evenly balanced. Strong arguments should be available on both sides so that either team is a potential winner.

Once the problem has been released, the Director should not accept new teams into the Tournament. These teams will have less time to prepare arguments and be at a disadvantage to other teams. However, if additional teams will not overburden the tournament (ideally, no more than 25 total), and they understand that their team is at a disadvantage, then let them in. Teams will often want to send a second team for financial reasons that emerge after the registration deadline.

2. Team/Judge Preparation: The Tournament Director must ensure that both participating teams and judges receive all necessary information for their preparation prior to their arrival. Concerning teams, the Director should send out a packet of information to all participating teams in early November. This packet will include the problem, tournament rules, a list of participating schools, a detailed schedule of events (excluding events only for judges), and a letter assigning teams a Competition Letter and

brief side (petitioner or respondent). Templates for all these letters are available on the S-Drive. The team list should include addresses for all schools so that schools can mail their briefs to each other. Last, the problem, the rules, and an encrypted version of designations (i.e., don't indicate which school is what letter) should also be downloadable from the website at least by the day the documents are mailed to teams.

Concerning judges, a final packet should be mailed to them no later than mid-January. This packet should include the bench brief, personal information sheet, meal selection forms, and a detailed event and transportation schedule. Again, templates for all these letters are available on the S-Drive. Everything on the schedule must be arranged in advance (such as meals and hotel accommodations), and the meal selections may need to be returned prior to the judge's arrival (some restaurants require more than 24 hours notice in preparing their meals, keep this in mind when putting together the forms).

The exact information that needs to be sent out may vary by year depending on the Director's plans. Just ensure that every participant has the necessary information to prepare for the tournament and their stay in Williamsburg.

3. Brief-Writing Competition: Once the problem has been released, each team must research and write a brief for their arguments. While there is no precise date as to when the briefs must be completed, there must be sufficient time allowed to grade the briefs before the start of the tournament. The award for Best Brief will be announced at the final banquet; however, the brief score is added to the argument scores to decide which teams advance. It is imperative that the grades be received prior to the start of the tournament. Allow teams enough time to properly prepare their briefs, but be sure to allow at least a month for grading. Mid-January is typically when briefs are due.

The teams will anonymously grade each brief. Each school is responsible for providing one brief grader. The grader must be independent of the Moot Court team, typically a professor or practitioner. This neutrality should be emphasized, as teams have a tendency to put off choosing a grader until the last minute, so keep this in mind when communicating with the teams.

A school's name should be redacted from the brief, and the brief should then be sent to another team for grading with a criteria sheet. The Director must be sure to remind teams of their grading duties and insist on their submitting grades prior to the tournament's start. Be sure that a grade is submitted before the teams arrive in Williamsburg. The team's brief grader need only email the Director the grade, and they may then submit their grading sheet to the Director at the Tournament.

The briefs are also judged by their blue-booking. Members of William & Mary journals should conduct the blue-booking. Approach the editorial board of the Journals and ask for volunteers. Again, this scoring must be completed prior to the start of the tournament so that the deductions will be represented in the brief score used in calculating which

teams advance to through the rounds. The only round in which the brief grade is not a factor is the final round.

As discussed above, Ian Conner usually volunteers to run the scoring system for briefs. Work closely with him and other past Spong Justices throughout this process.

4. Conducting Arguments: The first thing the Director should do once receiving his/her position is set a date for the tournament (traditionally, the weekend of President's Day in February) and get with Gloria Todd to reserve rooms. The Spong Tournament requires a substantial number of rooms, and reservation must be made well in advance to ensure that the Tournament's needs are met. Classrooms in the North Wing generally serve for the preliminary rounds, and Courtroom 21 should be used for the final round. As soon as the Spong Director takes office, he or she should reserve rooms with Gloria Todd. Failure to do so will inevitably result in losing those rooms!

Prior to the Tournament, an argument schedule should be made detailing what teams and judges will argue when and where. Each team should argue once on Friday and once on Saturday morning. Further, each team should argue once on-brief and once off-brief. Further, a team arguing off-brief should argue against another team arguing off-brief, and vice versa for teams arguing on-brief. Meeting all these criteria ensures fairness, but can also get very complicated. Keep this in mind and realize that it may take quite a while to make the schedule.

During the tournament, William & Mary Moot Court members will assume numerous duties in ensuring that the tournament runs smoothly. A complete list of jobs and duties is available on the S-drive. At the beginning of spring semester, send out a sign-up sheet to all members, reminding them of how important the tournament is to the school. 2L's will be your greatest source of labor as their help is mandatory (remind them). It's a good idea to provide all of the helpers with judge bios so that they can be familiar with judges and help the tournament run smoothly.

In all preliminary rounds, panels of three judges should hear arguments. With the exception of the final round, judges who sit on the same bench should be separated in the tournament. Also, reserve the most prestigious judges for the final round. Courtroom 21 can seat up to 7 judges, and these judges are to act as the tournament's Supreme Court. As many judges as necessary can be used for the final round, but be sure to use all the prestigious judges in this round. The prestige ranking of the judges both for the listing of judges in the program and for choosing the final round is as follows: Federal Appellate, Federal District, Federal Bankruptcy, Federal Magistrate, State Supreme, State Appellate, State Trial Court, Deans, Professors, Practitioners. Within these categories, Virginia will always come first. While prestige is the dominant factor in choosing the composition of the final panel, weight should be accorded to those judges who have traveled a great distance. Also be mindful of the demographic composition of the panels. Dean Reveley will be an invaluable resource on determining who should be included in the panel.

The Director must ensure that all arguments go smoothly. Each argument should have teams and judges scheduled according to the criteria above. Further, the Director must ensure that teams and judges know their schedule ahead of time and are promptly on time for all arguments. It's a complicated, time-consuming process.

5. The Spong Award: The Moot Court Board awards the Spong Award every year at the tournament's award banquet. The award is presented to a person who has shown a long-term commitment to the tournament and has provided the tournament with invaluable services. Past recipients include: Dean Reveley, Sprightley Ryan (former Moot Court Advisor), Chief Justice Carrico (judged the tournament every year since its inception), Sam Phillips (alumnus who has judged the tournament nearly every year since its inception) and Elizabeth Lacy (has judged the tournament every year she has been on the bench and provided the tournament with a Spong Justice). The prize is not limited to jurists. Again, Dean Reveley will be a good source of suggestions, as will Ian Conner.

Parting Thoughts: Keep in mind the following advice:

- Never hesitate to ask past justices for help or to answer questions, they were in your shoes once.
- As the position is usually staffed by a 3L, the institutional knowledge learned each year walks out the front door of the law school each May.
- If every there is a question about the due date for something, the default answer is always, "the sooner, the better."
- Remember also that there is a paper trail from the previous year that will eliminate much of the guess work.
- Dean Reveley is the biggest proponent and advocate of the Moot Court Team and this tournament, keep him informed and include him as much as possible.
- Finally, remember that this tournament brings you into contact with judges from around the state and around the country. These judges will see the way you run this tournament and their view of you and the law school will be colored by the manner in which the tournament is run.

Good luck and remember, if you don't know, ask anyone discussed above!

Event Planning

This chapter examines the processes through which Moot Court members should go when planning events, including logistical, procedural, and practical guidance.

All events should be approved in advance through the Vice Dean. All events held within the Law School facility must be approved in advance by the Vice Dean. Approval occurs simultaneously upon completing the event room request form. The purpose of this

approval process is not to restrict student organizations. It is simply to ensure that there are not conflicting events which compete for attendance.

If sponsoring an event where an important speaker is featured or the Dean is expected to attend, a Moot Court member must first notify the Dean's executive assistant, Cassi Fritzius and receive confirmation that the Dean can participate.

Speakers

If Moot Court desires to invite speakers to the Law School, it must have prior approval for the event before it is scheduled.

Speaker Travel and Accommodations

Arrange all accommodations through Gloria Todd. Typically, our speakers stay at the Hospitality House, which is convenient to and has a billing arrangement with the University.

Travel arrangements can be made through Terri Lorinz, CFO.

All speaker related costs must be considered in the event budget. Receipts for costs incurred by the speaker are to be submitted to Terri Lorinz for reimbursement. The receipts should be attached to a document that indicates:

Purpose of expense that includes name of event

Date of event

Name, address and SS# for person receiving reimbursement

The state does have limitations on acceptable reimbursements for food. When in doubt, seek clarification from Terri Lorincz.

Joint Sponsorship from without the University

RSOs may not enter into joint or co-sponsorship of any on-campus project or program with individuals, groups, or students that are not registered with the University.

Registered student organizations may sponsor events and invite outside guests, including members of an outside organization, subject to:

- the event will be open to the public and is advertised as such
- the event will be conducted by a member of the RSO.

Joint Sponsorship from within the University

Moot Court is encouraged to seek co-sponsorship for programs and events. The offices of Career Services, Alumni Affairs and Dean; the Law Library; the SBA; and other student organizations have all co-sponsored programs and events when appropriate. Co-sponsorship could be valuable in increasing attendance as well as gaining additional resources.

Parking for guests

Parking on University property requires a pass. Passes may be obtained from Chris Creech in Reception for the event planners to distribute to their guests. Parking passes have a one-day life span. For most large events, you should request from Gloria Todd

that parking be waived. This will release the event planners from distributing parking passes.

Alcohol

Alcohol may not be served at extracurricular events unless approved by the Vice Dean. When alcohol is served, the organization must follow the University Student Activities regulations as stated at <http://www.wm.edu/studentactivities/policy/>.

Under no circumstances may alcohol be sold at the Law School.

Room Reservation

Law School practice is to schedule events in smaller rather than larger rooms. Unless the number of guests is an absolute, it is better to create an environment of “standing room only” than to have a guest speak to a room largely of empty chairs. Room reservations must be processed through Gloria Todd. When planning events, contact Gloria Todd early in the process to ensure your event will be scheduled in an appropriately sized room and that the date selected for the event does not conflict with other events designed to draw a similar audience.

Additional spaces on and off campus may be appropriate for your event. See appendix for available locations and their capacity.

Budget

Speak with Terri Lorincz, CFO, if you need assistance in creating an event budget. All student events must have a budget. When the student organization suspects additional funding will be required (funding outside the organization), a detailed budget for the event must be submitted to the SBA. **NO requests for funding are to be taken directly to the Dean** or to the University Student Activities Office. This process ensures a fair distribution of funds to all organizations.

Budgets must include all related expenses such as speaker travel, lodging and food; catering dinners, lunches, breaks; special advertising or materials; postage; room rental for banquets; music or special entertainment; sound systems; etc.

Vendors

The state has specific guidelines regarding contracting for goods or services. This includes hiring entertainments for the event. Please consult with Terri Lorincz prior to completing any contract with a vendor.

Payment

All receipts and invoices are to be submitted to Terri Lorincz for payment as soon as possible following the event.

All receipts must be submitted with a memo that gives the following information:

- Name of event
- Date of event
- What the receipts are supporting (eg, dinner for judges; reception for speaker)

- If receipts are for food purchase (dinner or lunch) a list of attendees must be attached.
- Who is to be reimbursed – Name, Address, Social Security Number

Advertising

Posters and Fliers may be posted in the Student Lounge at any time. **Signage MAY NOT be posted in any other location** with the following location. Fliers may be posted on the lobby doors the **DAY OF THE EVENT ONLY**.

Other forms of useful advertising include:

- Email messages to the students via the SBA weekly email message.
- The Web, when the event is appropriately registered through Gloria Todd, the event will appear on the Law School calendar. This calendar is viewable both internally on <http://cardozo.wm.edu> and externally on <http://www.wm.edu/law>. The more detailed your information to Gloria, the better the calendar information.
- The Plasma will show all daily events that are scheduled through Gloria Todd.
- Provide information to Jaime Welch-Donahue, Law School Communications Director. Jaime can place information, as appropriate, in newspapers and distribute information to the faculty and campus community.
- Provide information to Cassi Fritzius who will publish it in the *Docket*.

Catering

Event planners may use any catering of their choosing. The Law School, as an informal policy, encourages keeping the money in-house and suggests using the campus catering service, Aramark.

Consult with the caterer well in advance of the event. Ensure the menu fits the budget. If using a catering method (such as you) that cannot invoice the Law School, keep all receipts and submit as soon as possible following the event.

Consider the kind of event when selecting the menu. Beer and pretzels are fine for informal gatherings but visiting VIPs should see us at our dignified best. Stand-up social events should have small, easy-to-eat finger food. Sit-down dinners are better when stringy food (like spaghetti) is not the entrée.

Consider the number of guests and the event budget.

Set-up and Clean-up

The Law School has several folding tables (in stairwell by Room 119) that may be used, as well as the tables perennially located in the Lobby.

Additional furniture may be requested through Gloria Todd. Furniture ordered through the University will have both a delivery and rental charge. Keep these costs in mind in terms of your budget.

Some catering companies also provide tables and or at a cost.

Williamsburg Event Rentals is a commonly used company and has a nice variety of rental furniture as well as tents.

Consider the size of the event/number of guests for housekeeping of the restrooms. If the event is on a weekend, the event planners may want to speak with Gloria Todd about additional housekeeping services on Saturday. There is a cost. Plan this into the event budget.

Event planners are responsible for returning all borrowed Law School furniture to its rightful place immediately following the event. No tables or chairs should remain in the lobby other than the two large tables in front of the plasma and the black upholstered chairs by these tables. Extra chairs taken into classrooms should be returned to their rightful home.

Take care with your building. Do not drag furniture across the floors.

Respect the work of the housekeepers. Do not overload trash cans. Do not leave event related debris in the School. Ensure the catering contract includes their removal of catering-related debris.

Event Planning

Determine purpose of event. The purpose will drive the invitation list and location of event. Prior to asking guest speakers and advertising event, seek permission to hold event through Vice Dean. If inviting a guest speaker or requesting the Dean's participation, gain approval for the date and time of the event through the Dean's Executive Assistant. If held within the Law School, complete the room request form.

Seek advisor assistance in identifying and perhaps sending invitations to guest speakers.

Once approval is gained, answer these questions for a successfully planed event:

- Estimate number of attendees
- Who are the guests, are any VIPs?
- Will the event include spouses/significant others?
- How many will attend? Is this number important for room reservations or ordering food?
- Is anyone disabled or in need of special services?

- Will any quest's attendance require coordination with Campus Police or other security measures?
- Location – who must be contacted for coordination?
- What is the budget?

Helpful Event Tips from the Professionals

Location planning –

If you use the Law School Lobby, plan on event crashers and uninvited nibblers. In other words, plan a bit more food than the number of guests to ensure the guests have sufficient.

The North Wing Alumni lounge is a nice space for a small gathering if you are creative with placing the tables for food and wine.

The North Wing terrazzo is a good reception area after school hours. It is too noisy to hold an event in that location while classes are in session.

If you use the Faculty Room you can either set the food and beverages in the kitchen or on the buffets at the entrance to the room. The former is not preferred by the caterers but does ensure some privacy to the catered food. The latter may cause some traffic tie-ups as students travel the hall to and from the North Wing.

The Dean's Conference room is ideal for 12 or fewer guests. The room can get a little warm and is not a good one for buffet-style eating.

Catering –

The Dean prefers to keep our funds in-house and encourages event planners to use Aramark, who actually do a superb job on the food and know the facility. Diana Haywood is the Aramark contact and she will work with the event planners and their budget to produce a good event.

The Catering Company of Williamsburg is frequently used by the Law School.

For those on a tight budget, food can be purchased at Ukrops and Farm Fresh. The Law School has an account for both stores but seek ADVANCE permission to charge at those locations.

Self-catered events can be quite nice but do add to the event planner's work load. Self-catering includes ordering/purchasing the menu, preparing it, serving it and cleaning it up.

When planning the menu, have vegetarian items.

Plan ahead and have contingencies where possible.

Common Pitfalls –

The biggest pitfall is to underestimate or overestimate the number of people attending an event. If you overestimate, you will have much wasted food. If you underestimate, the event looks skimpy.

The worst pitfall are people who either don't RSVP and show up or those who RSVP but don't show. While for receptions this may not matter, for seated dinners, this can cause problems.

APPENDIX I
Event locations

Location	Capacity	Contact	Notes/tips
Law School – Room 119 or 120	135	Gloria Todd 221-1423	
Law School – Room 124 or 127	70	Gloria Todd 221-1423	
Law School – Room 133 or 141	40	Gloria Todd 221-1423	
Law School – Room 134, 135, 137, 138, 239	15	Gloria Todd 221-1423	
Law School – Moot Courtroom	90	Gloria Todd 221-1423	
Law School – Dean’s Conference Room	15	Gloria Todd 221-1423	For dining, 10 is more comfortable
Law School – IBRL Conference Room	10	Gloria Todd 221-1423	
Law School – Lobby and patios	Up to 200 for a reception	Gloria Todd 221-1423	If using patios, have a rain plan.
The Wren – the most elegant place to have a luncheon dinner or reception is the Great Hall.	56 for a seated dinner	Louise Lambert 221-1540	Can seat more with the large tables removed. However, it is preferred to keep the tables in the room
The Wren – Portico is a wonderful and scenic reception venue	100	Louise Lambert 221-1540	
The Wren – President’s Gallery	100	Louise Lambert 221-1540	Not handicap accessible
University Center – there are a variety of sized rooms	20-550	http://www.wm.edu/uc/UCfacilities.php	
Alumni House	40 for a seated dinner	Scott Crabbs 221-1176	Holds 150 for a reception

Reves Room	24 for a seated dinner	221-3590	Holds 50 for a reception
A Carroll's	32 seated		Private room
Season's	32 seated		Private room
Florimonte's			A student favorite. They also cater
Hospitality House	Varied		
Berret's			Private room but not a quiet venue

BUSHROD T. WASHINGTON MOOT COURT **TOURNAMENT RULES**

I. INTRODUCTION

Starting in 2005, the Institute of Bill of Rights Law and the Moot Court Team partnered to create a single spring moot court tournament to serve both groups' needs. It is important for competitors to understand the distinction between the two. For the purposes of the Moot Court Team, the tournament selects the team and determines the rankings. The rankings are used to determine tournament selection priority among members. The Institute of Bill of Rights Law uses the tournament structure, and specifically the bracketing of the final eight competitors, to choose two advocates for their spring symposium. The details of the ranking system are included in part IX, Scoring, of this document.

II. THE HONOR CODE

The Honor Code defines "cheating" as "intentionally depriving someone of something valuable by the use of deceit or fraud, or improperly taking advantage of a situation in derogation of stated rules or unstated moral constraints." Thus, the Honor Code is not restricted to merely prohibiting cheating on exams or other works for law school classes. In addition to penalties that the Moot Court Board may choose to impose on a student who violates tournament rules, the Board will report to the Honor Council any conduct that appears to fall within the code's definition of cheating.

At a minimum, a violation of the Bushrod Tournament rules will constitute grounds for immediate disqualification from the Tournament.

III. ELIGIBILITY

This tournament is going to be open to ALL 1Ls and 2Ls not currently members of the Moot Court Team. 1Ls are **strongly encouraged** to trying out now, rather than waiting until their 2L years. It is more beneficial to you and to the team to gain two years of experience as members.

In response to this concern, only 20% of those accepted to the team can be from the 2L class. This is NOT to say that 20% of the team will be 2Ls. Rather, 80% of the team will be 1Ls and the other 20% is open to 2Ls that place within the top tier of the competition.

(For example, if the team invites 30 people to join the team, then 20% (six) of them CAN be 2Ls. If after looking at the top thirty individual scores there are six 2Ls included in the list, then they will all be asked to join the team. If only three 2Ls make the top thirty, then only three will be asked to join. However, if eight make the top thirty, only the top six of these will be invited to join.)

Furthermore, in the first round 1Ls will only compete against 1Ls and 2Ls will compete against 2Ls. After the first round, competitors will be drawn from the total pool of competitors. Additionally, we will attempt to ensure that no two competitors are matched against one another more than once during the preliminary rounds. If this inadvertently occurs, please bring this to the attention of a Tournament Justice. We will make our best efforts to remedy the situation.

IV. DECLARATION OF INTENTION TO COMPETE

Participants will receive a randomly numbered Tournament packet in January. Students who remain uncertain as to whether they wish to compete in the Tournament may attend the packet distribution meeting, receive a packet, and have until the pre-announced date, to decide whether or not they wish to compete in the Tournament

A participant effectively enters the 2008 Bushrod T. Washington Moot Court Tournament, activating his or her DECLARATION OF INTENTION TO COMPETE form.

**Declaration of Intention to Compete forms
MUST BE SUBMITTED TO THE BUSHROD TOURNAMENT JUSTICE
BY 5:00 PM on X
(delivery is to be made only to Cabell Clay's hanging file)**

The day before the Intent to Compete Form is due, X, a moot court practicum will be held. Participants will view a demonstration of appellate advocacy by two members of the Moot Court Team and students may ask questions relating to oral advocacy technique and style. A tip sheet will also be handed out at this meeting.

Attendance at the practicum is voluntary but recommended. The practicum will be taped for those with schedule conflicts, and the tape will be made available at the circulation desk.

V. COMPETITION NUMBERS

In order to preserve participants' anonymity, all competitors are assigned competition numbers. The number is marked on the cover of the tournament packet. Competitors will retain their competition numbers until the quarterfinal round, at which time names will be released.

VI. NOTICES

The Tournament officially opens at packet distribution Thursday, January X, 2007. All participants should consult the Moot Court Bulletin Board across from the SBA office, *Blackboard*, or the Moot Court website each day for new announcements, rules and the schedule of arguments. The schedule for the next round of competition will be posted the morning following each elimination round. Participants are deemed to have constructive notice of all posted information.

VII. PRACTICE AND ASSISTANCE

1. Practice Round

On X, January X 2008, *optional* practice rounds will be held. Interested competitors may present seven minutes of their argument in front of a judge or panel of judges. These judges will interrupt with questions and critique competitors afterward. Please note that these optional rounds occur *after* the Intent to Compete Form is due.

If you are interested in participating in the optional practice round, you must email Cabell Clay by midnight on Xday, January X, 2008.

2. Feedback

During the first three preliminary rounds, judges will provide oral feedback to competitors. Judges will not release scores to competitors.

3. Questions and Advice

Participants shall not discuss the problem with or seek help from anyone except Cabell Clay or Michael Hinchcliffe. In addition, participants are not permitted to ask **substantive** questions involving the Tournament problem. Only questions regarding **procedure or form** will be answered. Email questions should be submitted to Cabell Clay (mcclay@wm.edu). Both the question and the answer will then be anonymously posted to *Blackboard* or the Moot Court website.

VII. RESEARCH

1. Closed Research

The Tournament Problem is a **closed-research** problem. All necessary research materials are included in the packet, and participants shall rely solely on the provided material. Participants are not permitted to conduct additional research.

VIII. ORAL ARGUMENT

1. General Information

Dress for all oral arguments is business formal. Participants should arrive 15 minutes before they are scheduled to argue and sign in at the participant check-in desk. Participants should introduce themselves to judges by their competition number only. Under no circumstances should participants reveal their name.

2. Time of Argument

Oral arguments shall be limited to 15 minutes per side. This may be extended at the discretion of the Court. This most often occurs in the semi-final and final rounds. Such an extension of a participant's argument shall be without prejudice to any reserved rebuttal time.

The participant representing petitioner in each oral argument may reserve up to three (3) minutes of the 15 for rebuttal argument. Participants shall have the benefit of a bailiff showing time cards for ten minutes remaining, five minutes remaining, two minutes remaining, one minute remaining, and TIME expired. (In the event a bailiff is not available, one of the judges on the panel will keep time for the competitors.)

3. Switching Sides

Participants must prepare to argue both petitioner and respondent. All competitors will argue once for petitioner and once for respondent in each of the first three preliminary rounds (January X – February X). Beyond the preliminary rounds, sides will be determined randomly. Participants’ scores, however, are earned on the basis of their oral advocacy skill, and not the respective merits of one side or the other.

4. The Record

The record constitutes the sole source of factual information. Should a judge pose a question of fact that the record does not address, an appropriate reply may be: “Your Honor, the record is silent on that issue/fact/matter.” A participant should never fabricate facts.

5. Judges

A panel of at least three judges will hear most oral arguments, though a two-judge panel is permissible under certain circumstances. The panels will be most likely be composed of current members of the Moot Court Team and Board. They may, however, consist of members of the faculty, Marshall-Wythe graduates who participated in moot court, local practicing attorneys, and other students who may be assigned at the discretion of the Tournament Justice.

IX. SCORING

1. Criteria

Participants will be judged on criteria including substantive content of argument, knowledge of the record, ability to answer judges’ questions, deference to the court, persuasive ability, style, etc.

2. Calculation

All scoring is cumulative; scores from each round will carry throughout the later rounds. Scores will be laterally standardized to ensure uniformity among judges.

On February X roughly X competitors will be invited to join the Moot Court Team. This number is subject to change based on participation and the needs of the team. Up until the Round of 16, an argument round will not automatically eliminate one of the two advocates who argue against each other in that round. Thus, there is not necessarily a “winner” and a “loser,” and it is possible that two participants who argue against each other in a given round can both advance to the next round. Participants with the top scores, adjusted with an equalizing formula, will advance to the next round.

Beginning with the round of eight, the Tournament becomes a single elimination style competition. The final eight advocates will be seeded by the Tournament Justices after the announcement of the Team with the first seed paired against the eighth seed, the second seed paired against the seventh seed, and so on.

3. Ranking

Moot Court Team members select which tournament to attend in order of tournament number. Tournaments are selected starting with the highest ranked third year team member and moving down the rankings. After all third years are placed, second year team members begin selection. Though competitors are urged to do their best, they should not be consumed with the rankings. These rankings primarily become important during your third year.

With that being said, the rankings work as follows:

- First, after the team is announced, the top eight competitors (based on score) are taken out of the pool. The rest of the competitors are ranked according to their score within their class. 1Ls are ranked based on their score; this number will carry with them through their third year. Any 2Ls that become team members will be ranked at the end of the rankings of existing 2L team members.
- The quarterfinal round is the only head-to-head round for the purposes of Moot Court rankings. Four winning competitors will move forward, and the remaining four will be ranked 5-8. These ranks are chosen by the five-judge panel present during the entire quarterfinal round.
- The semifinal round will be judged by a seven-judge panel. Both Bushrod Tournament Justices will also be present during these two arguments. After the final four competitors are heard, these nine Moot Court Team members will rank the competitors 1-4.
- **At this time**, the rankings are set for the purposes of the Moot Court Team. However, the winners of each of the two semifinal rounds will participate in a “final” round during the spring Institute of Bill of Rights symposium.

On behalf of the Moot Court Team and Board, have fun and good luck!!!

MOOT COURT FINANCIAL POLICIES

I. PURPOSE

This document explains the basic financial policy and plan for the Moot Court Team 2007-2008. This is not all-inclusive and is subject to change.

There are three general points to remember:

1. Please Keep the Business Justice Informed
2. Plan Ahead
3. When in doubt, email *and* Ask

II. HOTELS

Hotels should be initially reserved on the tournament Justice's credit card. At the time of registration ask the hotel to fax a confirmation to the Accounting Office, re: Moot Court at (757) 221-3261 and make sure that it is addressed to Terri Loricz, the CFO of the Law School. When the Accounting office receives some form of confirmation that the reservations have been received and the expected cost, they will cut a check for the hotel fee. The competitors will be able to take a check with them that they can give to the hotel at check-in and the Administrative Justice will not receive any charge on their credit card.

1. **NOTE:** The competing team may still have to present the hotel with a charge card at the time of check in for incidentals.
2. **Please Keep in Mind:** W&M will not refund personal phone calls made or room service received. Therefore, please check the hotels phone use policy before you dial.

III. AIRFARE

1. **Booking:** Airfare should be **booked early** (30 days in advance is highly recommended if possible). Please book airfare through the accounting office. Contact them as early as possible so you have the most options and the least expensive tickets.
2. **Flight Details:** Give the accounting office the dates and times of the flights. Also give them as many options as you possibly have for departure and return times. They will then search for the cheapest flights and get back to you with the options.
3. **Economy:** Please look for the cheapest flights even if they might sometimes be a little inconvenient (leaving early). If for some reason you are looking at options

and the team is insisting on a more expensive flight then the best option is to bring it to the Business Justice so that she can make the decision.

4. **Have on Hand:** The accounting office will need the correct names, spellings, and eventually student identification numbers of all travelers.
5. **Waiver Forms:** After they have booked the flights, they will also need all the travelers to *sign waiver forms for the college*.

IV. DRIVING REIMBURSEMENTS

If the team is driving to the competition we will reimburse **one car per team**. In order to do this we need the mileage from start to finish. .

1. **Info to turn in:** Itemized gas receipts + Name + Student ID number of the driver
2. **Deadline:** Submit this information to the Business Justice (personally or via hanging file) no later than 3 weeks after returning.
3. **Waiver:** Again, the financial office will require them to sign the state waiver form.
4. **What we don't reimburse:** WE DO NOT REIMBUSE PER DIEM – Food, drinks, entertainment.

V. TRAVEL DURING COMPETITION

1. **Cabs:** The team does not cover cab rides to and from the location. These costs are minimal and should be covered by the team. Moot Court will reimburse the cost of one cab to/ from the airport to the hotel. Rental cars may be rented on a case by case basis.
2. **RULE of Thumb:** Spend money prudently.
3. If mass transportation is available and the team chooses not to use it, the team may reimburse only that cost and not the total cost.

VI. PARKING REIMBURSEMENTS

The team covers reasonable expenses. This typically includes parking at the airport or overnight at the hotel. It should be one car per team since they could travel together even if they choose not to.

VII. INTENT TO COMPETE FORMS

Promise to Compete: Due to problems in the past, team member must sign intent to compete forms before funds are expended for their competition. These forms make them

promise that if they quit for any reason they will reimburse the team for any outlaid costs. Expenses should not be incurred before receiving these forms.

VIII. COPIES

Only the Tournament Justices should make copies of the briefs. The library has a copy card on file at the reference desk and a tax-exempt *Staples card* that can be checked out for 24 hours. The Tournament Justices should sign out the card and return it with the receipts. Please photocopy them first and drop a copy in the Business Justices' hanging file.

IX. SHIPPING

1. **Postmark Dates:** Most briefs need to be postmarked by the due date, not arrive by that day. *Tournament Justices* should call the organizer and clarify this so that we can accomplish this in the cheapest way possible.
2. **UPS Store:** William & Mary has an account at the UPS store in town! Please see me in at least 3 days in advance so that I can set up that option for you.
3. **Regular Mail:** It would be cheapest to send briefs via regular mail if at all possible. That will be reimbursed to the tournament justice if they have receipts. It's not much per tournament – normally \$2 per school team.

X. PRINTING

Moot court has a printing code. If the team's briefs are e-mailed rather than mailed, Moot court will pay for one copy to be printed for each team.

XI. FOOD

For Official Use: The accounting office has purchased cards from Farm Fresh, Ukrops, Papa Johns, and an account at Manhattan Bagel. We should not pay for these items out of pocket if we plan ahead. They can all be paid for through the school up front.

MOOT COURT TOURNAMENT COMPETITION POLICIES

I. GENERAL ORGANIZATION AND COMMUNICATION

For each tournament, there is a general communication hierarchy that should be followed:

1. Teams should communicate any problems they have to their coach.
2. If the coach cannot find a solution, the coach will then relay the problem to the tournament justice in charge of that team's tournament.
3. The tournament justices will relay all substantive information, including as problem packets and related tournament information, to both the team members and the team's coach.
4. The tournament justices will make all travel arrangements and will relay all travel information to the coach, who will be in charge of informing their team(s) about travel arrangements as well as collecting any expense receipts incurred during a team's travel.

II. TEAM MEMBER RESPONSIBILITIES

Each team member is responsible for being an integral and reliable member of his or her team. This includes reading and knowing the problem, substantially participating in brief writing, preparing for oral arguments, and any other function that is important to the success of the team. If any team believes one of their members is not participating in a reasonably satisfactory manner, they should address the issue with their coach.

1. Tournament Problems and Rules

Each team member will receive their tournament problem, rules and other information in the tournament packet from the tournament justice in charge of their tournament. The packet will be placed in each team member's hanging file.

Your tournament justice will also provide you with the tournament's website. Please ensure that you check the website and check it regularly. Important information such as problem and rule clarifications are posted there.

All information regarding tournaments, including packets, dates, and travel information will be in a set of folder files at carrel #144 on the first floor of the library.

Upon receiving the tournament problem and rules, IT IS IMPERATIVE that each and every member of the team read the problem AND rules without delay. **THIS IS VITAL.** There is absolutely no excuse for any team getting disqualified because of a rules violation or writing an off-point brief because of a misunderstanding of the problem. If you have a question about the problem and/or the rules, look at your packet. All tournaments have a contact for inquires about the problem and rules. They also have a strict and usually imminent deadline for such inquires; hence it is of utmost importance to read the problem and rules immediately upon receipt. If there is an issue with the problem and/or rules, contact the proper person at the tournament. Also let your coach know of the problem. If, after contacting the proper person, your question has not been addressed or you are still confused, let your coach know, and they will inform the tournament justice who will then ensure that your inquiry is addressed and/or clarified. Finally, if your tournament rules allow it, make use of your faculty advisor for clarification on substantive issues.

2. Briefs

Once again, read the rules. Also make sure you are writing for the correct side and ensure that before you start that everyone knows the proper format, etc. We have had teams in the past find that they've been writing for the wrong side or that when they are putting sections together, that one team member has written in single space and the others haven't. Both of these instances have occurred the night before the brief is due. To avoid team strife and general stress, please ensure everyone is on the same page (figuratively of course). Coaches will help to make certain of this.

AS A GENERAL RULE, a *polished* draft of a team's brief should be completed ONE WEEK before it is due either electronically or by mail, whichever is earlier. There are important reasons for implementing such a policy:

- a. It will give teams a time buffer in case something catastrophic occurs, such as writing for the wrong side.
- b. It will improve the quality of our briefs. We all know our team can argue with the best of them. Our briefs in the past few years, however, have significantly hurt our chances at success. It is not due to our writing skills or substantive knowledge of the law and facts, but rather to disorganization and lack of time to edit.
- c. Once a coach has received a team's brief, they will then split the brief into sections and give each team member another member's section to proofread. This will allow editing to focus more on grammatical errors and structure, which has been a problem in the recent past.
- d. Two days before the brief is due, the team should put the sections together and ensure that the brief flows and all citations are proper. For example, if

something is defined in the first section that is relied on in the second, a team may need to make sure there is a reference back to that section.

- e. Once you have proofread your brief and assembled it, please turn it into your coach for binding and mailing **according to the following timeframe:**
 - i. If a team's tournament requires an email submission, followed by a later postmark date, please turn an email AND a hard copy in to the coach the morning the email submission is due.
 - ii. If a team's tournament accepts postmarked briefs only, an email AND physical copy must be turned in to the coach 48 HOURS before the brief needs to be postmarked.
 - iii. The Board has also set forth the one-week policy as a benchmark to allow flexibility for certain circumstances. If you think you will have a problem getting the brief done a week prior to the postmark or email deadline, please tell your coach in detail why, and they will inform the Board.

3. Preparing for Oral Arguments

Team members should inform their coach two weeks before oral arguments at what times they are available for practice rounds over those two weeks. The coach will then determine what times practice rounds will be held, factoring in the availability of both team members and judges. Judges will consist of a team's faculty advisor, other faculty with expertise in the tournament's area of law, the moot court team advisor, local judges, and other moot court team members.

ALL TEAMS MUST HOLD AT LEAST TWO STRUCTURED PRACTICE ROUNDS AS DESCRIBED ABOVE.

4. Travel

All travel arrangements are made by the tournament justice in charge of the tournament. All travel information will be given to a team's coach who will be responsible for ensuring that the team members are informed of all travel arrangements. **IF YOU HAVE SPECIAL TRAVEL NEEDS**, please inform your coach as soon as possible. It is not a problem to accommodate any special needs, but the tournament justices try to make travel plans early and thus need such requests quickly.

- a. **Reimbursement Procedure:** If you need to be reimbursed for gas, taxi/shuttle, parking, etc., **please give all receipts to the Business Justice DO NOT take your receipts to the accounting office.** Moot Court has had

some accounting issues in the past and we must ensure that all reimbursement is done in an organized fashion. You will get your money back quicker if you turn your receipts in to the Business Justice. Please see the financial policy guidelines for more details.

- b. Make sure if you need tickets for banquets, etc., that you get them from your coach if they are not traveling, or if they are traveling, that they have them before you leave Williamsburg.
- c. You will receive a check to present to the hotel upon check-in for room payment.

5. Tournaments

The three keys:

- a. Know the rules.
- b. Be punctual and professional.
- c. Dominate the competition and have fun doing so.

III. ROLE OF TEAM MANAGERS

A team's manager plays four major roles:

1. Ensures the team understands the problem and rules and that a team is making satisfactory progress with respect to deadlines.
2. Serves as the team's chief organizer with respect to practice rounds, brief editing and travel.
3. Acts as a liaison between the team and the Board.
4. Writes a bench brief to be used in the practice rounds.

Managers will be expected to understand and adhere to the above responsibilities before they are selected to manage a team. The Tournament Justices will be in charge of selecting, assigning, and ensuring the quality of coaches. Upon assignment to a team, each coach is expected to meet with their team and make certain the team is up to speed on rules, etc., and the team should express any issues or concerns they have to the coach. Depending on the nature of the tournament, the tournament justice in charge of the tournament may also attend the meeting.

Each coach is expected to stay in contact with team members throughout the tournament process. If there is a reason that a coach cannot fulfill a team need, the

coach should tell the supervising tournament justice and the justice will address the problem. Generally, 2L teams will have traveling coaches who are 3L team members. 3L teams generally will not have traveling coaches except for certain tournaments, and such 3L team coaches may or may not be moot court team members.

IF AT ANY TIME, a team feels that its coach is performing inadequately, they should immediately inform the tournament justice in charge of that team's tournament.

IV. FACULTY ADVISORS

Generally, each team will have a faculty advisor, who will serve two roles:

1. Judging practice rounds.
2. Serving as a source of substantive legal information **ONLY IF** tournament rules allow it.

The lead tournament justice will be in charge of recruiting, assigning, and working with faculty advisors and their relationship with teams and coaches.

V. MISCELLANEOUS

Any questions or concerns about these policies should be directed to one of the tournament justices, and if they are unavailable, to the chief justice.

Any questions or concerns about your specific tournament process should be initially directed to your coach, and if they are unable to provide you with a solution, they will direct your question to the supervising tournament justice.

Please pay special attention to the policies regarding tournament problems, rules, and briefs. The Board feels these particular policies will help to significantly eliminate many of the problems we have faced in the past.

Although we expect all team members to adhere to these policies, the Board realizes people encounter adverse circumstances during law school. If you ever feel that due to such circumstances, that you cannot perform your duties for your team, let your coach or one of the tournament justices know ASAP and we will do our best to accommodate your needs.

APPENDIX V

William & Mary Moot Court Victories⁸

Overall Wins

1972 William & Mary Invitational Moot Court Competition: 1st Place Team

1981 William & Mary Invitational Moot Court Competition: 1st Place Team

1982 William & Mary Invitational Moot Court Competition: 1st Place Team

1983 Benton National Moot Court Competition in Information Law & Privacy (John Marshall Law School): 1st Place

1985 Irving R. Kaufman Securities Law Moot Court Competition (Fordham University School of Law): Winner

1987 ABA National Appellate Advocacy Moot Court Competition: Regional Winner

1988 ABA National Appellate Advocacy Moot Court Competition: Regional Winner

1988 National Moot Court Competition: Winner

1989 ABA National Appellate Advocacy Moot Court Competition: Regional Winner

1989 National Moot Court Competition: Winner

1991 National Moot Court Competition: Best Overall Team

1992 ABA National Appellate Advocacy Competition: Region 1st Place

1993 Vanderbilt University National Constitutional Law Moot Court Tournament: Winner

1995 ABA National Appellate Advocacy Moot Court Competition: Regional Winner

1998 Irving R. Kaufman Securities Law Moot Court Competition (Fordham University School of Law): Champion

2000 Judge Conrad B. Duberstein National Bankruptcy Moot Court Competition (St. John's University School of Law): 1st Place

⁸ Although this list is not complete, it contains known victories as of Spring 2006. Please update this list each year and provide updated copies to the Dean.

2000 ABA National Appellate Advocacy Competition National Finals: 1st Place
2006 Moot Court Competition for Law & Economics (George Mason University School of Law): 1st Place

Best Oral Advocate

1989 National Moot Court Competition

1990 National Moot Court Competition

1991 National Moot Court Competition

1995 ABA National Appellate Advocacy Moot Court Competition

1998 Irving R. Kaufman Securities Law Moot Court Competition (Fordham University School of Law)

1999 Luke Charles Moore Civil Rights Moot Court Competition (Howard University School of Law)

2001 Moot Court Competition for Law & Economics (George Mason University School of Law)

2004 Moot Court Competition for Law & Economics (George Mason University School of Law)

2004 National Telecommunications Moot Court Competition

2006 National Moot Court Competition: Regional

2006 National Moot Court Competition

Best Brief

1986 Jessup International Law Moot Court Competition (Regional)

1987 Irving R. Kaufman Securities Law Moot Court Competition (Fordham University School of Law)

1987 Benton National Moot Court Competition (John Marshall Law School)

1988 Jessup International Law Moot Court Competition (Regional)

1989 National Moot Court Competition

1991 National Moot Court Competition

1994 National First Amendment Moot Court Competition (Vanderbilt University School of Law)

1995 National Moot Court Competition

1995 Products Liability Moot Court Competition (University of Cincinnati School of Law)

1999 Irving R. Kaufman Securities Law Moot Court Competition (Fordham University School of Law)

1999 Luke Charles Moore Civil Rights Moot Court Competition (Howard University School of Law)

2002 National Constitutional Law Moot Court Competition (Regent University School of Law)

2004 National Constitutional Law Moot Court Competition (Regent University School of Law)

2004 Moot Court Competition for Law & Economics (George Mason University School of Law)

2006 National Moot Court Competition (Regional)