

**National Native American Law Students Association Annual Moot Court  
Competition Official Rules**

(Amended by the NNALSA Moot Court Rules Committee – October 2023)

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**MISSION STATEMENT**

The National Native American Law Student Association (NNALSA) was founded in 1970 to support Native American students in law school and promote the study of federal Indian law, tribal law, and traditional forms of governance. We strive to reach out to Native American

communities, encourage Native Americans to pursue legal education, and educate the legal community about Native American legal issues.

## **SECTION 1 – PURPOSE**

### **RULE 1.1 – Promoting the Objectives of the Mission Statement**

The purpose of the NNALSA Moot Court Competition is to create opportunities to promote the objectives of the NNALSA Mission Statement, actively encourage the development of the oral advocacy and brief-writing skills of NNALSA members, as well as enhance substantive knowledge in the fields of federal Indian law, tribal law, and traditional forms of governance.

### **RULE 1.2 – Continued Involvement**

NNALSA strongly encourages all Moot Court participants to actively participate in NNALSA activities as a student and beyond graduation in order to further the purpose outlined above.

## **SECTION 2 – GENERAL ADMINISTRATION**

### **RULE 2.1 – Competition Administration**

The competition is operated by a host school. The host school is selected by the bidding process pursuant to the NNALSA bylaws.

### **RULE 2.2 – Duly Enacted Competition Rules**

These rules have been duly enacted by the NNALSA Board of Directors as the official rules.

### **RULE 2.3 – NNALSA Moot Court Administrator as Competition Administrator**

NNALSA Board of Directors vest authority in the NNALSA Moot Court Administrator as the Competition Administrator. The Competition Administrator shall administer the competition and these rules in partnership with the host school. The Competition Administrator is prohibited from competing while serving as administrator of the competition.

### **RULE 2.4 – NNALSA Moot Court Rules Committee**

- a) The Rules Committee shall be composed of the NNALSA Moot Court Administrator and three (3) NNALSA Board members. Pursuant to Rule 3.2 conditions, the problem author shall also serve as a de facto member of the Rules Committee. Rules Committee members shall be present at the competition and are prohibited from competing.
- b) The Rules Committee becomes active exclusive to those outlined in Rule 2.4(a) when the competition is “active.” The competition is considered “active” from the date of the problem release until the conclusion of the competition. During this time, the Rules Committee is limited to interpreting the rules and cannot amend the rules, except as permitted by Rule 3.4.
- c) The Rules Committee shall interpret the rules, respond to grievances, and resolve operational issues. The Rules Committee shall make decisions by majority agreement. When the competition is deemed active, as outlined in Rule 2.4(b), and results in a tie vote, the Competition Administrator alone must break the tie.

- d) The Rules Committee shall post all posed questions, answers, and decisions of the committee on the NNALSA and host school websites.
- e) The decisions of the Rules Committee and/or Competition Administrator are final.

### **SECTION 3 – AUTHORITY**

#### **RULE 3.1 – Assessing Penalties and Disqualifying Teams**

The Rules Committee shall have sole and final discretion regarding the issuance of penalties and/or disqualification of teams for violating these rules.

#### **RULE 3.2 – Interpretating these Rules**

- a) The Rules Committee reserves the sole discretion to interpret these rules.
- b) The problem author shall be a de facto member of the Rules Committee. The problem author shall have the power to veto or modify any interpretation that they view as arbitrary and capricious or otherwise in conflict with the overall aims of the competition.
- c) All rule interpretation requests must be directed to the Competition Administrator.
- d) As set forth above, the NNALSA Moot Court Competition is run by NNALSA by law students and for law students. In keeping with that purpose and structure, only students may request interpretations of the rules and/or file grievances.
- e) Any request or grievance filed by a coach or other non-NALSA member or non-competitor will be automatically discarded and will not be addressed.
- f) A coach or other non-NALSA member or non-competitor is prohibited from speaking to the Rules Committee on behalf of students concerning a filed grievance or the interpretation of the rules.
- g) All answers will be posted on the NNALSA and host school websites. All decisions are final.

#### **RULE 3.3 – Substantive Inquiries Concerning the Problem**

The Rules Committee, through consultation with the problem author, will be responsible for all substantive inquiries about the problem. All inquiries must be directed to the Competition Administrator at least 7 days before oral arguments. As set forth above, the NNALSA Moot Court Competition is run by NNALSA for law students. In keeping with that purpose and structure, only students may file substantive inquiries. Any inquiry filed by a coach or other non-NALSA member or non-competitor will be automatically discarded and will not be addressed. All answers will be posted on the NNALSA and host school websites. All decisions are final.

#### **RULE 3.4 – Amending these Rules**

The Rules Committee and the host school (by way of consultation with the Rules Committee) reserve the right to make any necessary changes to ensure the fairness, efficiency, and appropriate administration of the competition. While the competition is active, the Rules Committee shall provide notice to registered competitors of any amended rules.

### **SECTION 4 – INDIVIDUAL ELIGIBILITY**

**RULE 4.1 – Candidate for a Juris Doctorate Degree**

Only students who are Juris Doctorate degree candidates may compete. Each competitor shall be in good standing and enrolled at an ABA accredited law school during the relevant academic year.

**RULE 4.2 – Member of NNALSA and a Local NALSA Chapter**

Competitors must meet all of the following eligibility requirements:

- a) Competitors must be in good standing with NNALSA and their local NALSA chapter. Local NALSA chapters must also be in good standing with NNALSA. If there is no local NALSA chapter, refer to Rule 4.3.
- b) Competitors shall meet all financial obligations of membership in NNALSA as well as their local NALSA chapter before the brief submission deadline or they will be disqualified. NNALSA membership dues must be submitted to the NNALSA Treasurer. If there is no local NALSA chapter, refer to Rule 4.3.
- c) Competitors shall be active members of NNALSA and their local NALSA chapter. In their team’s registration packet, each competitor shall submit a letter from their local NALSA chapter President and/or Secretary. The letter must attest to that competitor’s participation in their local NALSA chapter and interest in advancing the Mission of NNALSA. If there is no local NALSA chapter, refer to Rule 4.3.

**RULE 4.3 – Members without a Local Chapter**

If students do not have a local NALSA chapter, they must:

- a) Submit online NNALSA membership applications and dues by the submission deadline. The NNALSA Treasurer and the Competition Administrator will work together to ensure all appropriate deadlines have been met and dues have been paid.
- b) Submit the following with their submission:
  - 1) Letter from the student attesting to their interest and activities which advance the objectives of the NNALSA Mission Statement. The letter must be no longer than 2 pages, double-spaced, all margins 1”, and 12-point Times New Roman font.
  - 2) Letter from the Dean, Associate Dean, or a professor at the student’s law school confirming that there is not a local Chapter and attesting to the student’s interest or involvement in advancing the objectives of the NNALSA Mission Statement.
- c) Admittance of students who apply under this rule is subject to review by the Rules Committee. Students will be notified of their admittance status via e-mail within three (3) days of the receipt of the complete registration packet. The entire registration packet and costs shall be returned by postal service and notified by email if a team is not approved to compete.

**SECTION 5 – TEAM ELIGIBILITY**

**RULE 5.1 – NALSA Chapter Status**

Only law schools with active NALSA chapters may participate in the competition, with the exception of those outlined in Rule 4.3. “Active NALSA chapters” are chapters in good standing with NNALSA. Chapters with teams in the competition shall submit their chapter dues to the NNALSA Treasurer before the brief submission deadline or all of their teams will be disqualified.

**RULE 5.2 – Team Composition**

- a) Teams shall consist of two (2) students from the same law school who meet all individual eligibility requirements in Section 4. If a team cannot be assembled from the same school, the applicants must submit a letter requesting an exception to Rule 5.2 with their registration packet. This letter will be reviewed by the Rules Committee for approval. It must include:
  - 1) an explanation of why the exception is necessary;
  - 2) a description of efforts to produce a team from the same school; and
  - 3) an explanation of why those efforts either failed or are unreasonable.
- b) The Rules Committee shall notify the applicants if their exception to the team composition is approved or not granted. All registration materials will be returned via electronic delivery or postal service. The decision by the Rules Committee is final.

### **RULE 5.3 – Submitting Registration Materials**

Each team must submit a complete registration packet to the Competition Administrator by the deadline in accordance with the directions provided on the National NALSA and host school site. The registration packet must include: the registration form, payment of the entry fee, letter(s) as described in 4.2(c), and any additional requirements. With the exception of Rule 5.2, all applicants are reminded to send NNALSA membership applications, individual dues, and chapter dues to the NNALSA Treasurer before the brief submission deadline of the first Friday in January, in accordance with Rules 4.2 and 5.1.

### **RULE 5.4 – Team Identification Numbers**

- a) When the host school and/or Competition Administrator receives complete registration packets, the host school and/or Competition Administrator will assign a number to each team and notify them of their number by email once NNALSA has verified membership dues. The assigned number will be the sole method of identifying the team during the competition. Competitors shall not divulge their law school affiliation to oral argument judges before the conclusion of the final round. This rule does not preclude disclosure of the competitor's names to the oral argument judges at any time.
- b) Teams shall choose to write a brief on behalf of either the Appellant/Petitioner or the Appellee/Respondent.

### **RULE 5.5 – Team Withdrawal**

- a) Teams may withdraw from the competition by submitting an e-mail message to the Competition Administrator.
- b) Withdrawing teams are not entitled to a full refund. The Rules Committee shall determine whether a withdrawing team is subject to any refund according to the following schedule:
  - 1) Teams withdrawing *before* **December 1** will receive a full refund of their registration fee. A separate request must be made to receive a membership fee return.
  - 2) Teams withdrawing *before* the brief submission deadline but after **December 1** will receive a 50% refund, minus administrative and membership fees.
  - 3) Teams withdrawing after the brief submission deadline will *not* receive any refund.
- c) Teams who do not withdraw and who do not appear in a timely manner for oral argument rounds will be assigned a score of zero for that round.



**RULE 5.6 – Team Member Substitution**

- a) An official team cannot substitute a team member.
- b) A team requesting to substitute a team member must submit a letter explaining a request to the exception to Rule 5.6(a). The proposed individual to be a team member substitution must meet all individual eligibility stated in Section 4. In addition, the team shall submit a letter of support from the team coach. The request will be reviewed by the Rules Committee for approval.
- c) The Rules Committee will notify the team if their exception to a team member substitution is approved or not approved. If the team member substitution is approved, the individual must submit all required registration material as stated in Rule 5.3. The decision by the Rules Committee is final.

**RULE 5.7 – Team Caps**

Team participation will be capped at thirty-six (36) teams. Participation will be granted on a first come first served basis. In addition, each individual school is limited to four (4) teams per school. However, a waitlist will be provided in the event that more than 36 teams register. The host school and Moot Court Administrator may register teams from the waitlist on a first come, first served basis, with the exception that if a school has no teams registered, that school will be given preference over other schools with one or more teams already registered. In the event that the host school has capacity for more than thirty-six (36) teams, the host school and Moot Court Administrator may grant participation from the waitlist to more than thirty-six (36) teams.

**SECTION 6 – DISQUALIFICATION**

**RULE 6.1 – Grounds for Disqualification**

Teams may be disqualified from the competition by a unanimous vote of the Rules Committee. Grounds for disqualification include, but are not limited to: exhibiting blatant disregard for the procedures or requirements outlined in these rules, compromising the anonymity of the competition, plagiarism, intimidation, unwarranted contact with competition judges concerning the competition, poor sportsmanship, submitting multiple, frivolous claims against other teams, and conduct otherwise unbecoming of the NNALSA mission.

**RULE 6.2 – Host School Students**

- a) Host school students are disqualified and prohibited from competing pursuant to Rule 13.7.
- b) Host school students, if desiring to compete, may independently request special permission to compete, under Rule 13.7, with approval from the Rules Committee and NNALSA Board of Directors, however, it is highly discouraged.
- c) The Rules Committee and NNALSA are not under any obligations to allow competitors from the host school.
- d) If approved, host school students shall proceed with registration classification for non – local NALSA chapter competitors.
- e) If a member of the NNALSA Board of Directors attends the host school, the member shall recuse themselves from voting on special permissions to compete.

**SECTION 7 – TEAM COACHES**

### **RULE 7.1 – Restrictions**

- a) Team coaches may participate in preliminary and general discussions of the problem or issues presented, judge practice oral arguments, and give critiques, strategy advice, or feedback to team members only after the brief submission deadline.
- b) Team coaches are prohibited from serving as competition judges or helping prepare the competition problem.
- c) During the preliminary rounds, team coaches may observe only rounds in which their teams are participating so long as their activity is not disruptive to the round.

## **SECTION 8 – BRIEFS**

### **RULE 8.1 – Brief Submission Deadline**

Briefs are due on the first Friday in January.

### **RULE 8.2 – Format**

- a) Briefs shall be no longer than 36 double-spaced pages, formatted for standard 8.5” x11” paper. Margins must be 1 1/4 inch on the left and one inch on the right, top, and bottom, including footnotes. Indented quotations may be single-spaced.
- b) Typeface must be 12-point Times New Roman font.
- c) Footnotes may be 10-point Times New Roman font. Footnotes may not be employed to compress more than a reasonable amount of material into thirty-six pages. Excessive or abusive use of footnotes will be penalized as outlined in Rule 8.6(b).
- d) Cover pages must conform to the relevant United States Supreme Court rules regarding form except that only the team’s identification number shall be used, and ***no names, addresses, or school affiliations shall be disclosed. The brief shall not be signed.***
- e) Each brief shall have the following sections in this order: table of contents; table(s) of authorities; questions presented; statement of the case (subdivided into a statement of the proceedings and a statement of the facts); summary of argument; argument; and conclusion. Only the language of applicable constitutional provisions, statutes, or regulations may be included in appendices. The 36-page limit prescribed in Rule 8.2(a) does not include the table of contents, table(s) of authorities, or appendices.
- f) Briefs cannot contain team members’ names or schools. In addition to their briefs, teams must file a signed certificate of service (on a separate piece of paper) indicating their names, addresses, team identification number, and filing date. This certificate can either be in hard copy or electronic copy (with an electronic signature). Briefs received without a certificate of service will be deemed to not have been filed. No reply brief is permitted.
- g) Citations must conform to rules in either the latest edition of The Bluebook, a Uniform System of Citation, or the current edition of the Association of Legal Writing Directors Citation Manual (ALWD). Only one form of citation rules can be used within one brief.

### **RULE 8.3 – Service**

- a) Each team shall submit their brief online in .PDF format by the brief submission deadline as set forth in Rule 8.1. Briefs from teams from the same law school must be submitted separately.
- b) Teams are prohibited from revising their brief after submission to the competition.
- c) All briefs will be posted on the host school’s moot court competition website at least two (2) weeks prior to oral arguments. Judges are under no obligation to read them.

Competitors are strongly discouraged from referring to passages in the other competitors' briefs during oral arguments.

**RULE 8.4 – Preparation**

- a) Only team members can prepare and write briefs. Team members must strive to contribute equally to the brief writing, and no one can prepare the brief by themselves.
- b) Between the release of the problem and submission of the team's brief, teams are prohibited from receiving substantive or stylistic assistance, including assistance from or comparison with other competing teams.
- c) A team may receive secretarial or clerical assistance, provided that such assistance is strictly limited to typing, assembling, filing, and other logistical preparation of the brief.
- d) This rule does not preclude a faculty advisor or sponsor from selecting students to form a team, provided that each team member participates in preparing and writing the brief and follows Rule 8.4(b) regarding substantive or stylistic assistance.

**RULE 8.5 – Scoring**

- a) Each brief will be anonymously scored by a varying panel of four judges selected by the host school and/or Competition Administrator.
- b) Brief judges may not judge any team's practice rounds or otherwise discuss the problem with participants, team faculty advisors, coaches, or other persons directly associated with preparing teams for competition. Each brief judge shall spend the same amount of time on each brief. Brief judges shall meet all deadlines imposed by the host school and/or Competition Administrator.
- c) Brief scores will be tabulated according to Appendix A: Scoring.

**RULE 8.6 – Penalties**

- a) Briefs are not to be longer than thirty-six (36) pages. Any excess pages will be redacted before scoring.
- b) Excessive or abusive use of footnotes will be penalized 5-10 points.
- c) Briefs submitted after the brief submission deadline will be penalized by point deductions as listed in the chart below. The team will be disqualified from the competition and forfeit their registration fee if the brief is turned in over 24 hours after the deadline. No membership dues will be returned.

<b>Times</b>	<b>Point Deductions</b>
12:00am – 5:59am	5 points deducted
6:00am – 11:59am	10 points deducted
12:00pm – 5:59pm	15 points deducted
6:00pm-11:59pm	20 points deducted
After 11:59pm	Not accepted

- d) Plagiarism is not tolerated and is grounds for disqualification from the competition. Each member of the team assumes the responsibility for the accuracy and content of their

team's brief. NNALSA Board of Directors and host school will report violations to the violating team's law school.

- e) Penalties for other rule violations in submission or format will be administered according to the procedures adopted by NNALSA.
- f) Penalty of zero for any identifying information on your brief.

## **SECTION 9 – ORAL ARGUMENTS**

### **RULE 9.1 – Preparation and Assistance**

- a) Teams may prepare and/or practice their oral arguments and receive substantive and stylistic critiques and assistance (from anyone, including faculty members and members of other teams) only after they file their briefs. This rule shall not limit the class of persons eligible to offer said critiques.

### **RULE 9.2 – Recordings**

Teams may make audio or video recordings of their oral argument rounds if they use their own equipment, but no special accommodations will be made for those teams. Teams must work with the assigned bailiff to record the oral argument. At the end of the round, the bailiff will deliver the recording to the tabulation room where it will be held until the end of the competition. Recordings must be labeled only with the team identification number. Neither NNALSA nor the host school assumes any responsibility for loss or damage to the recording.

### **RULE 9.3 – Spectators**

- a) Space permitting, non-competitors, are allowed to watch any round of the competition, with the exception of coaches as set forth in Rule 7.1(c). However, spectators are not allowed to share information with competitors or team coaches. Competitors are not allowed to ask for or receive information from spectators.
- b) Until they are eliminated from the competition, competitors may not observe or receive any information about other teams' oral argument rounds. Competitors shall not observe other teams' oral argument rounds during preliminary rounds even if they have a "bye."
- c) Spectators shall take care not to disturb oral arguments while entering or leaving the room.

### **RULE 9.4 – Prohibited Behavior**

- a) Team members shall not communicate with the oralist at the podium.
- b) Disruptive conduct at counsel tables is prohibited.

### **RULE 9.5 – Time Limits and Rebuttal**

- a) Time limits will be strictly enforced. Each team must argue for a total of 26-30 minutes.
- b) Each oralist must argue for at least 13 minutes and no more than 17 minutes.
- c) Bailiffs will serve as timekeepers and keep written time records. At the appropriate times, bailiffs will display cards to indicate when 5 minutes, 2 minutes, 1 minute, and 30 seconds remain. Bailiffs will display a "Stop" card and orally declare "Stop" when no time is remaining.
- d) Neither oralists nor judges are permitted to request or grant additional speaking time.
- e) Oralists and teams who go over or under the allotted time will be penalized in accordance with Rule 9.6, with evidence of time violations taken from the bailiff's records.

- f) The statement of “thank you” by a student competitor after a bailiff orally declares “Stop” will not constitute the competitor going over the prescribed time limit.
- g) Appellant can reserve up to 4 minutes (included in the required 13-17 minutes outlined above in Rule 9.5(a)) for rebuttal and must notify the bailiff before the round and notify the court at the beginning of the round. Judges may not allow any additional time beyond the allotted 4 minutes.
- h) The purpose of a rebuttal is to respond to the Appellees’/Respondents’ arguments, and it is inappropriate to introduce new arguments. No surrebuttals by Appellees/Respondents are permitted. The whole rebuttal is to be argued by one oralist.

**RULE 9.6 – Time Violations and Penalties**

The bailiff's time records will be used to tabulate penalties stemming from time violations:

- a) Oralists failing to speak for the requisite 13 minutes will be penalized.
  - 1) If they speak less than 12 minutes 30 seconds, they shall be penalized 5 points.
  - 2) If they speak between 12 minutes 30 seconds and 13 minutes, they shall be penalized 2 points.
  - 3) Oralists exceeding the 17-minute time limit will be penalized. If they speak more than 17 minutes 30 seconds, they shall be penalized 5 points.
  - 4) If they speak between 17 minutes and 17 minutes 30 seconds, they shall be penalized 2 points.

**RULE 9.7 – Preliminary Rounds and Scoring**

- a) Each team will compete in at least two preliminary rounds.
- b) During preliminary rounds, each team is required to argue the Appellants’/Petitioners’ side at least once and the Appellees’/Respondents’ side at least once.
- c) Teams shall be randomly paired against different teams in each preliminary round.
- d) Teams from the same school may be paired against one another only if no alternative is available.
- e) Each team’s oral argument-round score will be calculated according to the criteria set forth in Appendix A: Scoring.

**RULE 9.8 – Elimination Rounds**

- a) At the conclusion of the preliminary rounds, the 16 teams with the highest cumulative score as outlined in Appendix A: Scoring shall advance to the elimination rounds.
- b) In the event of a tie, advancing teams will be determined based on the tie- breakers outlined in Appendix A: Scoring. Teams will be seeded according to highest and lowest cumulative score as outlined in Appendix A: Scoring. The team in first position (with the highest cumulative preliminary score) will be paired with the team in 16th position (the 16th highest cumulative preliminary score), and so forth so that the eighth position team will be paired with the ninth. Only in the round of 16, the team with the higher seed will choose whether they will argue on or off brief.
- c) Each team’s cumulative elimination-round score shall be calculated as set out in Appendix A: Scoring.
- d) Teams will be eliminated according to the results of their head-to-head match-up. In the event of a tie, advancing teams will be determined based on the tie-breakers outlined in Appendix A: Scoring.

- e) The eight (8) teams that win in the first elimination rounds shall advance to the quarter final round. A coin toss shall determine which team decides whether to argue on or off brief.
- f) The four (4) teams that win in the quarterfinal round shall advance to the semi-final round. A coin toss shall determine which team decides whether to argue on or off brief.
- g) The two (2) teams that win in the semi-final round shall advance to the final round. A coin toss shall determine which team decides whether to argue on or off brief.
- h) The winning team of the final round shall be declared the competition winner.

**RULE 9.9 – Availability of Score Sheets**

At the conclusion of the final preliminary round, score sheets will be available from the Competition Administrator.

**RULE 9.10 – Ghost Teams**

The host school shall provide a ghost team. Before the conclusion of the competition, the identity of ghost teams will not be revealed to anyone except members of the host school's coordinating committee and the Rules Committee. Judges will not be informed of the identity of the ghost teams.

**SECTION 10 – AWARDS**

**RULE 10.1 – Announcement of Competition Results**

- a) The results of the brief competition will be announced at the conclusion of the competition.
- b) The sixteen (16) teams advancing to the elimination rounds will be announced after the conclusion of the preliminary rounds.
- c) Except for the preliminary and final rounds, results of each round will be announced when all scores are received and tabulated.
- d) The winners of the final round will be announced at the conclusion of the competition.

**RULE 10.2 – Awards**

First, Second, and Third place awards shall be presented in the following categories:

- a) Best Overall Advocates: Awarded to the top three (3) teams as determined by the oral advocacy competition.
- b) Best Written Advocates: Awarded to the top three (3) teams based on average brief scores. The top brief will be published in the American Indian Law Review, University of Oklahoma.
- c) Best Spoken Advocate: Awarded to the top three (3) oralists based on cumulative oral argument scores from the preliminary rounds. The top award in this category is to be named the "G. William Rice Best Oralist" award.

**RULE 10.3 – Awards Trophies**

The host school and/or Competition Administrator shall provide the award trophies for each award category.

**SECTION 11 – GRIEVANCES**

**RULE 11.1 – Procedure**

- a) Only student competitors (“the complainant”) may file a Grievance Form. A Grievance Form will be available at any time after the final preliminary round. The complainant must clearly state the entire grievance or complaint in the space provided. Grievances or other inquiries from non-student competitors are not allowed.
- b) The complainant shall submit a completed Grievance Form to the Competition Administrator either in person or via email within two (2) hours after the announcement of the 16 teams advancing to the elimination round. Any grievances during the elimination rounds should be made immediately to the Competition Administrator. No grievance forms will be accepted after the conclusion of the competition.
- c) The Competition Administrator will bring the complaint before the Rules Committee for a decision. The Rules Committee may request those involved to answer questions or give information concerning the complaint. Any questions or information gathered must be done in the presence of the full Rules Committee.
- d) The Rules Committee will make a decision in accordance with Rule 2.4(c). A decision will be made within a reasonable amount of time and the concerned parties will be notified. Decisions affecting the structure of the competition or causing a delay will be communicated promptly to all competitors, judges, and bailiffs. The decisions of the Rules Committee and/or the Competition Administrator are final.

**RULE 11.2 – Frivolous Complaint**

Teams that are found to be filing frivolous complaints will lose ten (10) points per frivolous complaint. The determination of a frivolous complaint is at the discretion of the Competition Administrator.

**SECTION 12 – HOST SCHOOL DUTIES****RULE 12.1 – Partnership with NNALSA**

NNALSA and the Host School shall work together to ensure a successful competition.

**RULE 12.2 – Host School Compliance with these Rules**

The Host School shall comply with these rules.

**RULE 12.3 – Assistance from NNALSA**

If the Host School has difficulty meeting their objectives, deadlines, or goals, the Host School shall contact the Competition Administrator, who shall immediately bring the problem to the attention of the Rules Committee. Together, the Rules Committee, Competition Administrator and Host School will decide the course of action necessary to preserve the fairness and integrity of the competition.

**RULE 12.4 – Orientations**

The Competition Administrator and host school are required to hold competitors’, judges’, and bailiffs’ orientations before the start of the competition, in order to, among other things, clarify rules and answer any questions. The orientations are to be directed by the NNALSA Moot Court Rules Committee members who are NNALSA Board

members. If needed, the Rules Committee may require host school representatives to support holding orientations. Competitors shall be present at their respective orientation session.

#### **RULE 12.5 – Guidebook**

The Host School, with the assistance of the Competition Administrator, shall keep a guidebook for planning and organizing the competition. Each host school will transfer the guidebook to the Competition Administrator after the competition ends and before the Annual Meeting. At a minimum, the guidebook must contain the following:

- a) A list of all judges who participated in the competition, as well as judges who were contacted but unable to participate.
- b) A checklist of all host school actions and completion dates for those actions.
- c) A copy of all form letters used by the host school in connection with the competition.
- d) A timeline for completion of actions necessary to organize and operate the competition.
- e) A logbook of problems, challenges and successes encountered in organizing and operating the competition, as well as how each was overcome or attained.
- f) The host school's suggestions for improvement and success of the next competition.
- g) A complete and detailed report of the host school's budget and all fundraising efforts, including contact information for sponsors. The report should include a note regarding which efforts were most successful and why they were successful.
- h) Contact information for all members involved in planning the competition, including all professionals, especially those with expertise in Indian law, who were consulted or who gave advice on how to organize and operate the competition.

#### **RULE 12.6 – Timeline**

- a) The host school and/or Competition Administrator shall announce the dates of the competition by the end of September.
- b) The host school and/or Competition Administrator shall release the problem by the first Friday of November.
- c) Team registration will be due the first Friday of December and teams will receive their confidential team numbers after registration closes and the Competition Administrator confirms NNALSA membership and dues payment.
- d) Briefs are due by the first Friday in January. Briefs must be submitted by this date pursuant to Rule 8.1.
- e) The host school shall release CLE information by December 15, if applicable.

#### **RULE 12.7 – Host School Restrictions from Fielding Competitors**

- a) The host school is prohibited from fielding competitors from their school. In the
- b) interest of ethics and fairness, students from the host school are disqualified from competing.
- c) If a student from the host school wishes to compete, the student must independently request special permission from the NNALSA Moot Court Rules Committee and the NNALSA Board of Directors. If the student's request is approved, the host school and the approved student are strictly prohibited from discussing anything related to the competition.
- d) It is the policy of NNALSA to strongly discourage competitors from the host school to avoid even the appearance of impropriety, maintain ethical standards, and prioritize resources to hosting the competition.



## SECTION 13 – PROBLEM

### **RULE 13.1 – Scope**

The problem will address timely issues in federal Indian law and/or tribal law and governance and must follow the format of a national moot court competition by providing an even number of issues that may be argued in an appellate court-like structure.

### **RULE 13.2 – Problem Author**

- a) The problem will be authored by a full-time faculty member of the host school. The author shall have a Juris Doctorate degree and specialize in Indian law. The author shall submit a letter to the NNALSA membership announcing their intent to author the problem which must be included in the host school's bid package. The author is encouraged to participate in the bidding process.
- b) If the author cannot fulfill the authorship duties, the host school must replace the author with an alternate in accordance with the criteria in Rule 14.2(a). Both the author and the host school shall submit the substitution to the Rules Committee. The Rules Committee will then post the substitute author's letter of intent to the NNALSA and host school websites.
- c) The host school and/or Competition Administrator, in conjunction with the author, shall choose a panel of at least three (3) of the author's peers to review the problem before the official problem release. The review panel may make comments and suggestions and the author will have a chance to incorporate any changes, if they choose, before the official problem release.
- d) The author shall strive to draft a problem with issues evenly divided for team competition.
- e) The author shall give the completed problem to the Competition Administrator three (3) days before the official problem release. The Competition Administrator must make the appropriate arrangements with the host school's information technology department before the problem release to ensure that the problem is posted to the host school's website on the release date.
- f) The author will write a 1-page suggested questions memorandum, which will be given to judges at their orientation session. The memorandum will have an equal number of questions for Appellants/Petitioners and Appellants/Respondents.

### **RULE 13.3 – Bench Brief Author**

- a) The bench brief author(s) shall preferably be the Problem Author. If the author cannot write the bench brief, the host school and/or Competition Administrator shall appoint a person or persons to author the bench brief. A person with a Juris Doctorate degree and who specializes in Indian law shall edit the bench brief. It is preferred that the same panel that reviews the problem shall review the bench brief before it is disseminated to the oral argument judges. However, if the bench brief author is unable to disseminate the bench brief to the same review panel, the bench brief author is allowed to select three (3) equally qualified individuals to review.
- b) The bench brief author shall not participate as a judge in the oral argument portion of the competition.

- c) The bench brief will be mailed via postal service or e-mailed to the oral argument judges at least 1 week before the first round of oral arguments.
- d) Copies of the bench brief will also be made available to judges at their orientation session.
- e) The bench brief will also be distributed to the brief judges as part of their judging package.

**RULE 13.4 – Confidentiality of Problem, Bench Brief, and Suggested Questions Memorandum**

- a) Before its official problem release, the problem will not be made available to anyone except the following:
  - 1) Competition Administrator; and
  - 2) Any non-competing members of the host school’s planning committee who are designated to receive the problem by the NNALSA Moot Court Rules Committee.
- b) Neither the bench brief nor the suggested questions memorandum will be available or shown to competitors, team faculty advisors, coaches, or other persons associated with preparing a team for competition until those documents are officially released by the host school and/or Competition Administrator after the competition and after the briefs have been returned to the teams.

**SECTION 14 – JUDGES**

**RULE 14.1 – Selection Criteria**

- a) Competition judges must fit one of the following categories:
  - 1) passed a federal, state, and/or tribal bar exam, and is a current member of a bar in good standing;
  - 2) currently a sitting judge or served as a judge for at least 2 of the previous 5 years;
  - 3) law school graduate with a J.D. degree; or 4. full-time law professor.
- b) Team faculty advisors, coaches, or other persons directly associated with preparing the teams are ineligible to be competition judges.

**RULE 14.2 – Judges’ Orientation Session**

- a) All oral argument judges must attend the judges’ orientation session administered by the NNALSA Rules Committee and the host school, unless special arrangements are made with the host school and/or Competition Administrator.
- b) The judges will be oriented to the facilities, instructed on rules and scoring procedures, and given copies of the bench brief.

**RULE 14.3 – Recusal of Oral Argument Judges**

- a) If a judge knows a competitor or feels for any reason that they will not be able to fairly and impartially judge a round, the judge should recuse themselves at their own discretion.
- b) If a judge decides to recuse themselves, they shall immediately inform the bailiff before the round begins.
- c) The bailiff shall immediately notify the host school and/or Competition Administrator to promptly exchange judges.

**RULE 14.4 – Judge’s Role**

- a) All oral argument rounds except the final round will be judged by a panel of three (3) or four (4) oral argument judges selected by the host school and/or Competition Administrator. The final round shall be judged by a panel of no fewer than five (5) oral argument judges selected by the host school and/or Competition Administrator.
- b) Judges do not have discretion in authorizing time extensions. If the speaker exceeds the maximum time discussed in Rule 9.5(a), a mandatory penalty will apply pursuant to Rule 9.6.

### **Appendix A: Scoring**

#### **Brief Scoring:**

- 1) Scoring will be divided by category: structure and substance.
- 2) Every brief will be scored by a varying four-judge panel for each category.
- 3) Final brief score will be determined by adding the categories together. This will be the score used during the Oral competition.
- 4) Structure Scoring will be based on grammar, punctuation, and spelling. This category will also include logical organization, proper bluebook, Uniform System of Citation, or the current edition of the Association of Legal Writing Directors Citation Manual (ALWD) form.
- 5) Substance Scoring will be based on the correct usage of the facts, relevant appellate decisions, and understanding of the Indian law issues. This category will also include effective anticipation of major counter-arguments, proper analysis and application of legal principles, effective use of relevant materials, and a statement of the case that foreshadows the legal arguments to come.
- 6) The Formula:  

$$A = \text{Structure: Score 1} + \text{Score 2} + \text{Score 3}$$

$$B = \text{Substance: Score 1} + \text{Score 2} + \text{Score 3}$$

$$A + B = \text{Final Brief Score}$$

#### **Preliminary Rounds:**

- 1) Teams shall be randomly paired against different teams in each preliminary round.
  - a. In Round 1 teams will be assigned as either Appellant/Petitioner or Appellee/Respondent.
  - b. In Round 2 teams will switch sides and face a different random opponent.
- 2) At the conclusion of the two Preliminary Rounds, the cumulative total of the teams' oral argument scores will be calculated with the Final Brief Score according to part (a) below.
  - a. Oral argument scores will be calculated by adding together the final oral argument scores from each of the preliminary rounds. These oral argument scores will be combined with the Final Brief Score according to the chart below:

Round	Oral	Brief
-------	------	-------

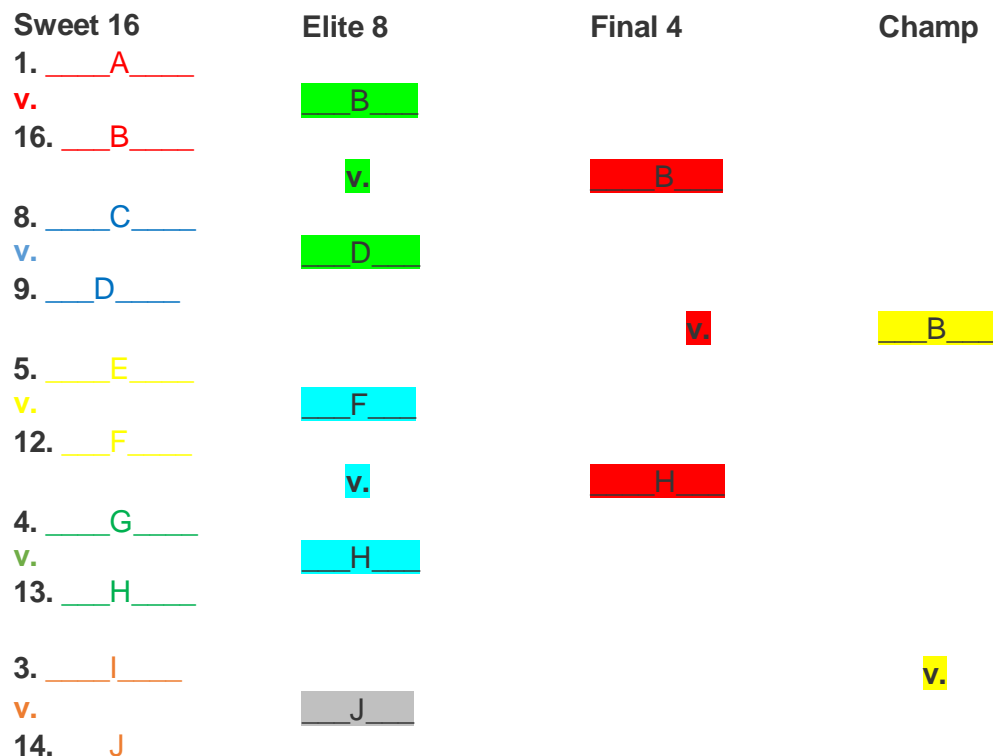
Preliminary Rounds	75	25
Elimination Rounds	100	0

- 3) The preliminary round scores are against the field; meaning that the top sixteen teams from the field will advance to the elimination rounds, based on the team's Total Cumulative Scores.
- 4) In case of a tie, the following tie-breakers shall be used in order to determine the advancing teams and their seeds:
  - a. Best Brief (based on Final Brief Score);
  - b. Best Oral Score (highest team score from that round); or
  - c. Best Individual Oralist Score (highest individual score from that round).

**Elimination Rounds:**

- 1) Teams will be seeded based on Total Cumulative Score from preliminary rounds.
- 2) Bracketing will pair 1 v. 16; 2 v. 15; 3 v. 14; 4 v. 13; 5 v. 12; 6 v. 11; 7 v. 10; 8 v. 9.
- 3) Teams will advance in each elimination-round based on the results of their head-to-head matchups. These rounds are not against the field.
- 4) The winner of each head-to-head matchup will be determined based exclusively off of the cumulative oral argument scores for that round, unless there is a tie.
- 5) In the case of a tie, the following tie-breakers shall be used in order to determine the advancing teams:
  - a. Best Brief (based on Final Brief Score)
  - b. Best Individual Oralist from that Round.

**Example Bracket:**



6. \_\_\_K\_\_\_ v. \_\_\_L\_\_\_  
 11. \_\_\_L\_\_\_ v. \_\_\_N\_\_\_  
 7. \_\_\_M\_\_\_ v. \_\_\_N\_\_\_  
 10. \_\_\_N\_\_\_ v. \_\_\_N\_\_\_  
 2. \_\_\_O\_\_\_ v. \_\_\_P\_\_\_  
 15. \_\_\_P\_\_\_

**Bailiff Timekeeping Sheet**

Round \_\_\_\_\_ Room \_\_\_\_\_  
 Petitioner Team # \_\_\_\_\_ v. Respondent Team # \_\_\_\_\_

**Instructions:** *This information will be used to determine whether the competitors complied with the rules, so it is important to be accurate. Before each round begins, the teams must notify you as to how they plan to divide up their time. Use that to determine when to give the time remaining warnings. Be sure to note the actual stop time for each competitor.*

**Petitioner 1** \_\_\_\_\_  
 Time Allotted (13-17 minutes) \_\_\_\_\_  
 Start Time: \_\_\_\_\_

**Petitioner 2** \_\_\_\_\_  
 Time Allotted (13-17 minutes) \_\_\_\_\_  
 Start Time: \_\_\_\_\_

Time for  
 5 min Warning \_\_\_\_\_  
 2 min Warning \_\_\_\_\_  
 1 min Warning \_\_\_\_\_  
 30 sec Warning \_\_\_\_\_  
 Stop Time \_\_\_\_\_

Time for  
 5 min Warning \_\_\_\_\_  
 2 min Warning \_\_\_\_\_  
 1 min Warning \_\_\_\_\_  
 30 sec Warning \_\_\_\_\_  
 Stop Time \_\_\_\_\_

Actual Stop Time \_\_\_\_\_

Actual Stop Time \_\_\_\_\_

**Rebuttal** \_\_\_\_\_

Time Reserved \_\_\_\_\_

Start Time \_\_\_\_\_

Time for \_\_\_\_\_

2 min Warning \_\_\_\_\_

1 min Warning \_\_\_\_\_

Stop Time \_\_\_\_\_

Actual Stop Time \_\_\_\_\_

**TIMEKEEPING SHEET HAS TWO SIDES**

**Respondent 1** \_\_\_\_\_

Time Allotted (13-17 min) \_\_\_\_\_

Start Time: \_\_\_\_\_

Time for \_\_\_\_\_

5 min Warning \_\_\_\_\_

2 min Warning \_\_\_\_\_

1 min Warning \_\_\_\_\_

30 sec Warning \_\_\_\_\_

Stop Time \_\_\_\_\_

Actual Stop Time \_\_\_\_\_

**Respondent 2** \_\_\_\_\_

Time Allotted (13-17 min) \_\_\_\_\_

Start Time: \_\_\_\_\_

Time for \_\_\_\_\_

5 min Warning \_\_\_\_\_

2 min Warning \_\_\_\_\_

1 min Warning \_\_\_\_\_

30 sec Warning \_\_\_\_\_

Stop Time \_\_\_\_\_

Actual Stop Time \_\_\_\_\_

Bailiff Printed Name \_\_\_\_\_

Bailiff Signature \_\_\_\_\_

**Brief Scoring Sheet (Structure)**

Team # \_\_\_\_\_

Judge # \_\_\_\_\_

**Instructions:** *Please score the brief using the categories below. Each category is worth 25 points (whole numbers only, please), for a total possible score of 50 points. We have provided you with some suggested guidelines to consider in assigning points for each category. You are not required to make written comments, but we have provided space should you wish to do so. Please note that this score sheet has a reverse side.*

<b>Poor</b>	<b>Fair</b>	<b>Competent</b>	<b>Good</b>	<b>Exceptional</b>
<b>1-5</b>	<b>6-10</b>	<b>11-15</b>	<b>16-20</b>	<b>21-25</b>
Must improve technical skills; needs help in persuasive writing	Lacks polish; needs improvement; citations need work	Professional and respectful; did not overuse passive voice; no significant flaws in spelling, grammar, punctuation, or citation.	Particularly solid brief; Logically makes sense; No obvious structural errors	Unique; extremely well put together; makes excellent logical sense; perfect or near perfect citations; advanced writing skills

**CATEGORY 1: Style and Professionalism**

**Score** \_\_\_\_\_  
(1 – 25)

- Does the brief use proper grammar, spelling, and punctuation?
  - Is the brief well-written (i.e. word choice, sentence structure, ease of reading)? Is the brief respectful to the court and to opposing counsel?
  - Does the brief correctly cite the decisions and the record? (Citations must conform to the latest edition of the Bluebook, the Association of Legal Writing Directors Citation Manual (ALWD), or a Uniform System of Citation).

\*\*\* Only one form of citation may be used within the brief.

- Is the brief neat and technically precise?

**CATEGORY 2: Technical Requirements**

**Score** \_\_\_\_\_  
(1 – 25) ●

Does the brief contain the correct cover? Cover pages must conform to the relevant United States Supreme Court rules regarding form except that only the team’s identification number shall be used, and no names, addresses, or school affiliations shall be disclosed. The brief shall not be signed.

- Does the brief contain the required sections? (in order):
  1. Table of Contents
  2. Table of Authorities Questions Presented
  3. Statement of the Case (subdivided into statement of proceedings and statement of the facts)
  4. Argument Conclusion
- Competitors may include, at their option, a Summary of the Argument (placed between the statement of the case and the argument) and an Appendix (only to include the language of applicable constitutional provisions, statutes, or regulations).
- Are the margins correct? Margins must be 1 ¼” on the left and 1” on the right, top, and bottom, including footnotes. Indented quotations may be single-spaced, the rest should be double-spaced.
- Typeface must be 12-point Times New Roman font. Footnotes may be in 10-point Times New Roman font. Footnotes may not be employed to compress more than a reasonable amount of material into thirty-six pages. Excessive or abusive use of footnotes will be penalized as outlined in Rule 8.5(b).

**Subtotal** \_\_\_\_\_ *Determine whether any penalties must be assessed:*

1. Is the brief longer than thirty-six pages (Not including the cover page, table of contents, table of authorities, or appendices)? If the brief is longer than thirty-six pages, it must be given a score of zero.
2. Excessive or abusive use of footnotes will be penalized 5 – 10 points.

\_\_\_\_\_



TOTAL SCORE \_\_\_\_\_

Comments:

**Brief Scoring Sheet (Substance)**

Team # \_\_\_\_\_

Judge # \_\_\_\_\_

**Instructions:** Please score the brief using the categories below. Each category is worth 25 points (whole numbers only, please), for a total possible score of 75 points. We have provided you with some suggested guidelines to consider in assigning points for each category. You are not required to make written comments, but we have provided space should you wish to do so. Please note that this score sheet has a reverse side.

Poor	Fair	Competent	Good	Excellent
1-5	6-10	11-15	16-20	21-25
Must improve understanding of issues; Needs help in persuasive writing	Lacks polish; needs improvement; misunderstood some issues or failed to present the client's position satisfactorily	Adequate presentation and representation of client's position; persuasive writing is adequate	Particularly solid brief; effective ideas; above average understanding of the law	Unique, extremely persuasive and outstanding use of authority; advanced understanding of the law

**CATEGORY 1: Table of Contents, Introduction, and Questions Presented** Score \_\_\_\_\_

(1 – 25) ● Are the issues framed concisely and intelligibly? Do the headings advance the argument?

● Does the brief use the “Questions Presented” as an advocacy opportunity?

- If so, does it strike the right balance between advocacy and accuracy?
- Does the introduction summarize the argument persuasively?

**CATEGORY 2: Statement of the Case** **Score** \_\_\_\_\_  
(1 – 25)

- Does the Statement of the Case avoid distorting or misusing the facts?
  - Does the Statement of the Case include only relevant material?
  - Does the Statement of the Case foreshadow the legal arguments?

**CATEGORY 3: Legal Argument** **Score** \_\_\_\_\_  
(1 – 25)

- Does the brief use relevant decisions?
  - Does the brief strike a balance between application of legal principles and factual case comparisons?
  - Does the brief effectively anticipate major counter-arguments? Are the arguments and organization lucid and logical?
  - Is the argument persuasive?

**TOTAL SCORE** \_\_\_\_\_

**Comments:**

**National NALSA Moot Court Competition**  
**Oral Argument Score Sheet Instructions**

Round \_\_\_\_\_ Room \_\_\_\_\_ Judge \_\_\_\_\_

Team ID # \_\_\_\_\_ Petitioner/Respondent (Circle One)

Oralist 1 \_\_\_\_\_ Oralist 2 \_\_\_\_\_

**Instructions:** *The actual score sheet is a separate page. Please complete one score sheet per team. Please evaluate each oralist in each of the five (5) categories by assigning a point value from 1 – 10 for a maximum score of 50 points. Please only use whole numbers in your scores. We have provided below some suggested guidelines to consider in assigning the points for each category.*

*You are not required to make written comments, but we have provided space should you wish to do so. Please feel free to give constructive critiques, but do not disclose your scores or your rankings to any of the oralists. The advancement of any team is based upon the oral argument scores as well as the team’s brief, which was scored earlier.*

**TIMING IS CRITICAL. PLEASE TRY TO START YOUR ROUND PROMPTLY AT THE DESIGNATED TIME AND CONCLUDE YOUR COMMENT TIME NO LATER THAT THE CUT-OFF TIME.**

Please do not, at any point, inquire what school the competitors are from.

Scoring Guidelines:

<b>Poor</b>	<b>Fair</b>	<b>Competent</b>	<b>Good</b>	<b>Excellent</b>
<b>1-2</b>	<b>3-4</b>	<b>5-6</b>	<b>7-8</b>	<b>9-10</b>
Needs improvement; misunderstood some issues or failed to present client's position satisfactorily	Solid effort; effective ideas, but needs polish and better development of ideas and arguments	A few errors; maintained quality of argument; focused on pertinent issues	Adequate presentation and representation of client's position; no significant flaws in the argument	Consistent and well-organized; very persuasive and high-quality presentation; effective in advocating client's position

**SCORE SHEET HAS TWO SIDES**

**National NALSA Moot Court Competition**  
**Oral Argument Score Sheet**

Round \_\_\_\_\_ Team ID \_\_\_\_\_ Petitioner/Respondent  
(Circle One)

Oralist 1 \_\_\_\_\_ Oralist 2 \_\_\_\_\_

**Oralist 1**                      **Oralist 2**

**Category 1: Opening**

- Introduces self, identifies client and relief sought
- Identifies issues in a persuasive way
- Provides a road map of argument
- Provides theory of case and organizing theme
- Transitions smoothly into first issue

\_\_\_\_\_

\_\_\_\_\_

**Category 2: Presentation of Merits**

- Focused on the important issues
- Made well-reasoned arguments
- Organized arguments well
- Demonstrated mastery of facts
- Exhibited knowledge of relevant precedent and policy
- Effectively maintained a theme

\_\_\_\_\_

\_\_\_\_\_

**Category 3: Response to Questions from Bench**

- Stopped talking immediately when judge spoke
- Responded effectively and returned to argument
- Was prepared for likely questions
- Responded to questions respectfully

\_\_\_\_\_

\_\_\_\_\_

**Category 4: Conclusion, Rebuttal, Time Management**

- Structured argument to concentrate on strongest points
- Adjusted presentation as needed in response to time signals
- To the degree time permitted, made effective use of closing
- Used rebuttal effectively (as opposed to a “canned” speech)

\_\_\_\_\_

\_\_\_\_\_

**Category 5: Style and Demeanor**

- Presented the argument smoothly and confidently
- Minimized the use of notes
- Maintained eye contact and appropriate gestures
- Avoided distracting fillers (i.e. “umm”; “uhh” etc.)
- Avoided unnecessary shifting or fidgeting
- Observed appropriate courtroom etiquette

\_\_\_\_\_

\_\_\_\_\_

**(SCORE SHEET HAS TWO SIDES)**

**Subtotal:**                      \_\_\_\_\_

**Penalties**

Spoke less than 13 minutes? More than 17 minutes?

Deduct 2 points if violation was 0-30 seconds

Deduct 5 points if > 30 seconds

\_\_\_\_\_

\_\_\_\_\_

**TOTAL:**

\_\_\_\_\_

\_\_\_\_\_

**Comments for the Oralists:**