

2018 Competition Rules

Each team is guaranteed participation in two preliminary non-elimination rounds, once as attorneys representing the State ("Petitioner") or Rebecca Williams ("Petitioner") and once as attorneys representing either Anthony Lancaster ("Respondent") or Samantha Chadwick ("Respondent").

The quarterfinal matches are for the top-scoring eight teams from the first two rounds. The semifinal matches are for the final four teams, and the semifinal winners will participate in a final round to determine the winner of the competition.

The competition rules are provided below. Please direct any questions regarding the Record or the rules to Megan Quirk at megan@mylaw.org. All coaches will be given copies of all questions and responses in this regard.

Rules:

1. In this proceeding, the two attorneys from the Petitioner team represent Logan Tanner. The two attorneys for the Respondent team represent Daniel Abernathy and the State of Maryland. The Supreme Court has specified that the order of argument in this case shall be:

- First attorney for Petitioner the State of Maryland et. al, addressing the first certified question,
- Second attorney for Petitioner Rebecca Williams addressing the second certified question,
- Attorney for Respondent Anthony Lancaster addressing the first certified question,
- Attorney for Respondent Samantha Chadwick addressing the second certified question, and
- One attorney for the Petitioner in rebuttal. **In order to give all students the chance to participate fully in this experience, the Petitioner team is required to alternate the attorney handling their rebuttal argument. Thus, for example, if attorney A argued the rebuttal during the first round of competition, attorney B would argue the rebuttal the next time their team was assigned the side of the Petitioner. The Chief Judge in each argument will confirm the name of the student presenting the rebuttal argument before the argument begins.**

2. Each side will be represented by two attorneys. One attorney will address the first certified question. The other attorney will address the second certified question. The same two students must compete in all rounds in which its team participates. Only in the event of an emergency is a student alternate permitted to participate.

3. Each side gets a total of 25 minutes of argument. The 25 minutes of argument is divided as follows: 20 minutes for Petitioner's main argument, 25 minutes for the Respondent's argument, and 5 minutes for the Petitioners' rebuttal argument.
4. The first 2 minutes of the Petitioner's main argument and the last 2 minutes of the Respondent's argument will be "protected time" during which the judges will not ask questions. At any other time in the arguments, the judges are permitted to ask questions. The judges will expect the attorneys to be prepared to address the court for the entirety of their allotted time, although attorneys should expect to be interrupted by judges' questions, and be prepared to address whatever issues the judges raise. Note that the clerk/judge of each round should "wave" the 2 minute placard to let everyone know they have reached the end.
5. The judges will score each team's arguments based upon the extent to which those arguments demonstrate knowledge of the applicable law, knowledge of the facts of the case, and presentation skill. (See Score Sheet.)
6. The two attorneys for each side should plan to speak for approximately one half of their side's allotted time. So, for example, Petitioner attorney #1 will argue for about 10 minutes, then Petitioner attorney #2 will argue for about 10 minutes, then Respondent attorney #1 will argue for about 12-13 minutes and then Respondent attorney #2 will argue for about 12-13 minutes, and then one of the Petitioner's attorneys will present a 5 minute rebuttal.
7. There is no written submission (briefs) allowed from either side.
8. Attorneys may not make objections, or otherwise interrupt the presentations of opposing counsel. The judges will consider the extent to which a team has failed to adhere to the rules in calculating their score.
9. Attorneys can use any of the facts set forth in the Case Materials (collectively referred to as "the record" in the case) in their argument.
10. Cases: The only cases that may be used by student attorneys to support their arguments are listed on the last page of the case record.

Notes on Case Law:

11. Citation of the above-referenced cases in argument can include discussion of any and all opinions rendered by the Supreme Court in those cases, including any concurrences or dissents. Attorneys are cautioned, however, that, although courts may be interested in the reasoning utilized in concurrences and dissents, generally, courts view only the majority opinion of a court as controlling authority in deciding a subsequent case.
12. In oral argument, attorneys may also cite any additional authority (e.g. other Supreme Court cases) discussed within one of the listed cases. This will permit student attorneys to explain or discuss the manner in which that additional authority is described or distinguished in a listed case. Students should not cite or discuss any other legal authority. Any

characterization of the cases provided herein (as well as the introductory comments that precede the Record of this case) are offered solely for the assistance of counsel. They do not constitute authority to be cited or referred to in any argument. Ultimately, it is within the sole discretion of the court to determine the extent to which any of these cases, the arguments contained therein, or any arguments derived therefrom, are persuasive.

13. Attorneys are cautioned that it is their job to determine how the opinions in the above referenced cases can be used most persuasively to advance their arguments.

14. It is very important that all teams that have been selected attend the competition. When you apply and are selected, another team from your county may not be able to compete. Moreover, it is unfair to other competitors who have prepared for their arguments not to be able to present those arguments against another team because that team has failed to appear on the day of the competition.