INTRODUCTION

The William B. Spong, Jr. Invitational Moot Court Tournament (“the Tournament”) is prepared and organized annually by the Moot Court Board of the William & Mary School of Law in honor of the late William B. Spong, Jr., former Dean of the William & Mary School of Law.

The competition problem (“the Problem”) is prepared and distributed by the William & Mary School of Law Moot Court Board (“the Board”). By entering the Tournament, each participating school agrees that it will not make any use of the Problem except in connection with its participation in the Tournament. Written consent must be obtained from the Board if use of the Problem is contemplated in connection with an inter- or intra-school competition, an advocacy course, or any other program unrelated to this Tournament. The Problem may not be used to select a participating school’s team members for the Forty-Third Annual Spong Invitational Moot Court Tournament. Briefs submitted to the Tournament become the property of the Board and will not be returned.

The persons and events depicted in the Problem are purely fictional and were prepared solely for the educational exercise of this Tournament. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

CERTIFICATION

By submitting a brief in the competition, each team member certifies that such brief has been prepared in accordance with the Rules and that the brief represents the work product of only registered members of the team. A written statement to this effect, electronically signed by the participants, must be included as a separate attachment when the brief is submitted to the Board, see Appendix III of the Rules for the certification form.

Part I. Teams
A. Number of Teams

Each participating school may enter one or two teams, each comprised of two or three students.

B. Composition of Team

1. All participants must be full-time law students in good standing at the time of the Tournament. A full-time student is defined as a student enrolled in at least nine (9) credit hours per semester.

2. A team comprised of three members may designate brief writing tasks as desired. For instance, one team member may write the brief while the remaining two members compete in the oral advocacy portion of the competition.

3. Each team must have two competitors present for each oral argument in each round.

4. All competitors who wish to participate in oral arguments must argue during one of the two preliminary arguments. Failure to argue during the preliminary rounds forfeits the competitor’s ability to argue in further rounds. In the event of an emergency or extreme hardship, the Board reserves the right to permit a team to substitute the third member, already on the team, to argue despite his/her absence in the preliminary rounds.

5. The name of the school and the names of team members must appear on a separate document that shall accompany the brief. Only those individuals whose names appear on the certification form will be considered registered team members.

C. Substitution of Team Members

If a substitution is necessary after the brief is submitted, the name of the new member shall be forwarded to Chris Kaltsas, Spong Tournament Justice - Teams, at ckaltsas@email.wm.edu, as soon as possible, but not later than five (5) business days before the Tournament. The team must submit, for acceptance by the Board, a statement of reasons of extreme hardship for the substitution. If time constraints do not permit advance notice, the name of the new team member and the reasons for substitution must be given to the Board by registration on Friday, February 15, 2013. All determinations of extreme hardship will be made by the Spong Justice, Jeanne Noonan. There will be no substitution of team members allowed after commencement of the first oral argument.

Part II. Briefs
A. Assignment of Side

1. Each team will serve as counsel for either Petitioner or Respondent for purposes of preparing the brief. The Spong Tournament Justice – Teams, Chris Kaltsas, will assign the team their role after processing the team’s entry form. Teams must prepare the brief for their assigned side.

2. Where a law school has entered two teams, the teams are assigned to brief opposing sides.

B. Length and Form

1. Briefs shall have a maximum of forty (40) pages, exclusive of the Cover Sheet, Questions Presented, Table of Contents, Table of Authorities, and Appendices.

2. Briefs shall be typed and double-spaced. All briefs must be submitted in Times New Roman, 12-point font. Any footnotes shall be in Times New Roman, 12-point font and single-spaced. All margins shall be set at one (1) inch. Any partially filled page shall be counted as a full page.

3. Any violation of these rules will result in a penalty. See Part V(B) Penalties.

C. Brief Components

1. The brief shall contain the following components: Cover, Table of Contents, Table of Authorities, Questions Presented, Opinions Below, Constitutional Provisions and Statutes Involved, Statement of the Case, Summary of the Argument, Argument, and Conclusion. There is no need to include a jurisdictional statement or list of the parties. Appendices may only be used to report the content of statutes, constitutions, and regulations not generally available.

2. Briefs shall follow, in all aspects, the format prescribed for briefs by the Rules of the United States Supreme Court, except as otherwise expressly specified by these Rules.

D. Cover Sheets and Indices of Authorship

1. Petitioner’s brief shall have a blue cover and Respondent’s brief shall have a red cover. Each team will be assigned a competition number by the 2013 Spong Tournament Justice – Teams, Chris Kaltsas. This number should appear on the cover of the brief.

2. Briefs shall not be signed and no subject matter serving to identify a team or its members shall appear anywhere on the cover or within the brief itself. See Part V(B) Penalties.
E. Format

All citations shall comply with the form prescribed in The Bluebook: A Uniform System of Citation (19th ed. 2010).

F. Service of Briefs

1. Each team must submit via email an electronic copy of its brief to the Board in both Adobe Acrobat .pdf and Microsoft Word formats.
   a. An electronic copy of the brief shall be served upon the Board at ckaltsas@email.wm.edu.

3. Briefs must be electronically received by 5 PM (E.S.T.) on Monday, January 13, 2014.

4. Any late filing will result in a penalty against the brief. See Part V(B) Penalties.

5. Posting of Briefs – All briefs submitted by each registered team will be posted on the Spong Tournament website within one week after the deadline for submission of the briefs. They will be found following a link on the William and Mary Moot Court website: http://wmpeople.wm.edu/site/page/mootco/2014spongtournamenbriefs

G. Brief Scoring

1. Brief Grader

   Each registered team shall select one faculty, adjunct faculty member or practicing lawyer to serve as a brief grader. Each team must provide the 2014 Spong Tournament Justice – Teams, Chris Kaltsas, with the name and contact information of their designated brief grader.

   a. Team faculty advisors or other persons directly associated with the school’s moot court team are not eligible to serve as graders.

   b. Each grader shall score the briefs for at least four (4) teams.

   c. If a school sending more than one team selects only one brief grader, the Board will assign no more than eight (8) briefs to that brief grader.

   d. Brief graders shall not score a brief submitted by a team from their law school.
e. Failure to provide a brief grader will result in penalties being assessed against the team’s brief score. See Part V(B) Penalties.

2. Blind Grading

To ensure impartiality, each brief will be “blind graded” by graders provided by each participating school. As specified in Part II(D)(2), nothing on the brief may identify the law school submitting the brief or the team members who wrote the brief.

3. Scoring of the briefs shall be within the discretion of the individual grader, as guided by the Brief Score Sheet (attached as Appendix I to these Rules).

4. The Board reserves the right to employ a professor (or professors) from the William & Mary School of Law as a faculty brief grader if the need arises.

**Part III. Arguments**

A. Location of Arguments

1. Oral arguments will be conducted at:

William & Mary School of Law  
613 South Henry Street  
Williamsburg, Virginia, 23187

2. The Preliminary Rounds will be held on Friday, February 14, 2012, and Saturday morning, February 15, 2014. The Quarterfinal, Semifinal, and Final Rounds will be held on Saturday afternoon, February 15, 2014.

Room assignments for the preliminary rounds will be announced at the team registration and meeting on Friday afternoon. Times and room assignments for the later arguments will be made available when the advancing teams are announced. A schedule of events for the weekend will be available to teams prior to the Tournament.

B. Length and Structure of Arguments

1. Each team shall argue three (3) preliminary rounds (at least once for each side).

2. Each team is limited to thirty (30) minutes in which to present its oral argument.

3. The division of allotted time may be made at the discretion of the team, with the exception that no team member may speak for fewer than ten (10) minutes. All team members must be prepared to answer questions from the Judging Panel on all issues. Petitioners may reserve up to five (5) minutes of rebuttal time by so
requesting from the Judging Panel at the commencement of Petitioner’s arguments. Only one (1) team member may argue on rebuttal. Time reserved for rebuttal will be counted as part of the thirty (30) minutes allotted for the argument. The Judging Panel may allow for additional time at their discretion.

4. The bailiff will signal to each speaker when ten (10), five (5), three (3), and one (1) minute(s) of each speaker’s argument time remains. When the bailiff signals that time has expired, the speaker shall immediately conclude his/her argument, unless given additional time at the discretion of the Judging Panel. Competitors will inform the bailiffs before the round how much time they are choosing to reserve for rebuttal.

5. Two (2) team members will argue in each round. Each team shall argue as Petitioner and Respondent during the Tournament. In the case of a three (3) member team, all three (3) members are permitted to be seated at counsel’s table during oral argument.

6. Coaches are not permitted to sit at counsel’s table or communicate with the team members during oral arguments.

C. Attending Other Arguments

1. The number of people (including coaches) permitted to audit the argument is at the discretion of the two teams and must be agreed upon prior to the arrival of the Judging Panel. Once the Judging Panel enters the room, no one may enter or exit the room until the completion of the round.

2. With the single exception of the Final Round, competing team members, coaches or faculty advisors may not attend any argument of another team. Such individuals may only attend the arguments of their own team.

3. Once a team is eliminated, they may observe other rounds with permission of the competing teams.

4. Schools with more than one team competing are prohibited from discussing their rounds while both teams are still competing. If a school sending two teams is represented by one faculty advisor or coach, that advisor or coach may attend the oral arguments of both teams, but not if both teams are arguing simultaneously. All faculty advisors and coaches are prohibited from giving substantive help to a team prior to and during the course of the Tournament.

D. Team Designation

1. Each team member must identify themselves before beginning their oral argument.
2. All teams are prohibited from identifying their school affiliation to members of the Judging Panel during any round of oral argument. Each team will be assigned a competition number that will serve as their identifying designation throughout the Tournament. Individual team members may use their real names, but may only use the competition number to identify the team for the Judging Panel (i.e. John Smith of Team #X, representing the Petitioner OR Team #X, representing the Petitioner). See Part V(B) Penalties.

E. Scoring

1. Scoring of oral arguments shall be within the discretion of the individual members of the Judging Panel as guided by the Oral Argument Score Sheet (attached as Appendix II to the Rules).

2. The scores of each round will be weighted as follows:

<table>
<thead>
<tr>
<th></th>
<th>Brief</th>
<th>Oral Argument</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Rounds</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>Quarterfinal Rounds</td>
<td>30%</td>
<td>70%</td>
</tr>
<tr>
<td>Semifinal Rounds</td>
<td>20%</td>
<td>80%</td>
</tr>
<tr>
<td>Final Rounds</td>
<td>0%</td>
<td>100%</td>
</tr>
</tbody>
</table>

F. Pairings of Teams and Assignment of Sides

1. Initial pairings of teams will be random. A team arguing on brief will argue against another team on brief. If circumstances prevent this, the team with the higher brief score will argue on brief.

2. The pairings of the second preliminary round will require each team to argue the side opposite of that argued in the first preliminary round.

3. Quarterfinal, Semifinal and final round team assignments will be made through a coin toss procedure in which the higher ranked team calls a side of a coin in a coin toss. The winner of the coin toss decides which side their team will argue.

G. Odd Number of Teams

1. In the event that an odd number of teams participate in the preliminary rounds of the Tournament, there will be no automatic advancements to the Quarterfinal Round or any other round.

   a. A team from William & Mary will be prepared to argue for this purpose only. The William & Mary team shall not advance to the Quarterfinal Round. The identity of the William & Mary team shall not be made known.
b. Outside teams competing against the William & Mary team will not receive special scoring. As win-loss record does not factor into advancing to the Quarterfinal round, defeating the William & Mary team will have no effect on the opposing team’s advancement.

H. Advancement to Quarterfinal Round

1. The eight (8) teams with the highest average cumulative scores in the preliminary rounds will advance to the Quarterfinal Round.

2. Win-loss record in the first two rounds is not taken into account in selection of the advancing teams.

3. In the event of a tie for eighth (8th) position, the team with the highest brief score shall advance. If tied for orals and brief, the team with the lower number of penalty points from the brief scoring section shall advance.

I. Advancement to Later Rounds

1. The eight (8) teams advancing will be seeded (1 v. 8, 2 v. 7, 3 v. 6, 4 v. 5). These teams will not be informed of their rank during the Tournament. The Quarterfinal and Semifinal Rounds will be direct elimination rounds. The team with the higher composite score in each pair will advance. The teams will be reseeded for the Semifinal Round based on their scores in the Quarterfinal Round.

2. In the Final Round, the brief score will not count in determining the winner. The winner of the Final Round will be determined by majority vote by those on the Final Round Judging Panel.

Part IV. Awards

A. Awards shall be presented at the Awards Banquet on Saturday, February 15, 2014. There are awards to the Champion Team, the Runner-up Team, to the Tournament’s Best Oralist, and to the Tournament’s Best Petitioner’s and Best Respondent’s Briefs.

B. The Best Brief is determined by combining substantive scores from the brief graders, bluebook deductions, and technical deductions on the team’s brief. The team that receives the highest combined score wins the award. Two Best Brief awards are presented – one for Best Petitioner’s Brief and one for Best Respondent’s Brief.

C. The Best Oralist is awarded to the oralist who achieves the highest oral argument score in the two preliminary rounds. Only contestants who argue in all three preliminary rounds will be eligible for the Best Oralist Award.

Part V. Miscellaneous
A. Outside or Other Assistance

1. No team shall receive any assistance of any kind from any faculty member or other person prior to the filing of their brief, including any assistance from, or sharing or comparison of research or work product with, members of a competing team from the same or different school. Submission of a brief represents a certification by the participating team that its brief is the work product of only the registered team members.

   a. This rule shall not be construed to prohibit the use of computerized researching or word processing software (including automated cite-checking or spell-checking systems).

2. After filing the brief, a team may not be assisted in the preparation of its oral argument.

   a. This rule shall not be construed to prohibit the judging and general critiquing of practice arguments after the brief is filed.

3. If a school has registered two (2) teams, each team is prohibited from participating in practice against each other.

B. Penalties

The Board may assess such penalties, including disqualification, as it deems reasonable and appropriate for failure to comply with the Rules.

Specific penalties which shall be assessed include:

1. Seven (7) points for failure to provide a brief grader
2. Six (6) points for briefing the wrong argument side
3. Six (6) points for failure to use correct spacing for text and footnotes
4. Five (5) points per calendar day for late or improper service of brief
   a. Maximum deduction of 25 points
5. Five (5) points for using improper font
6. Three (3) points per occurrence for improper indication of school or authorship
7. Three (3) points for failure to submit a Team Certification with their copy of the team’s brief
8. Two (2) points per page, or portion thereof, beyond the forty page limit for the brief
   a. Maximum deduction of 10 points
9. One quarter (1/4) point for each page containing a violation of either the vertical or horizontal margin limitations. Teams may be penalized for multiple violations on any single page.
11. Any team identifying its school affiliation to their Judging Panel during any round of oral arguments shall have ten (10) points deducted from that team’s total score for the round.

The Board reserves the power to impose any reasonable and equitable penalty, including disqualification, for violations of any rules for which a specific penalty is not stated above.

C. Interpretation of Rules

Requests for interpretations of the Rules must be submitted in writing at the earliest date possible and will be answered as promptly as possible. All inquiries should be addressed by email to Chris Kaltsas, Spong Tournament Justice – Teams, at ckaltsas@email.wm.edu. Any clarification of more than individual concern shall be transmitted to all participating schools by email and by posting on the William & Mary Moot Court website, located at http://www.wm.edu/so/mootcourt/. All such interpretations and any decisions, penalties or other actions taken by the Board shall be final and binding on all participants.

The Board reserves the right to make any further rules and procedures deemed advisable for the conduct of the Tournament and shall promptly notify all registered teams of any such changes. The Board reserves the right to modify, in whole or in part, any or all of these rules, grading forms and guidelines. The forms provided in the Appendices are included for illustrative purposes only.

Any controversies or situations that arise that are not specifically covered by these rules will be resolved at the discretion of the Spong Tournament Justice in consultation with the Chief Justice and, where appropriate, the Spong Research Justice.

D. Questions or Clarifications Concerning the Problem

Any participating team with a question concerning any portion of the Problem should submit their question(s), in writing, to Chris Kaltsas, Spong Tournament Justice – Teams, at ckaltsas@email.wm.edu by Monday, December 31, 2013. Any clarification of more than one individual concern will be transmitted to all teams and posted on the William & Mary Moot Court website, located at http://www.wm.edu/so/mootcourt/.
APPENDIX I
SAMPLE SCORE SHEET

FORTY-THIRD ANNUAL WILLIAM B. SPONG, JR.
INVITATIONAL MOOT COURT TOURNAMENT
WILLIAM & MARY SCHOOL OF LAW
FEBRUARY 14-15, 2014

BRIEF SCORE SHEET

Brief Grader: ____________________________________________

School: ____________________________________________

Brief Number: ______

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Maximum Score</th>
<th>Score Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. FORM</td>
<td>OMIT*</td>
<td>OMIT*</td>
</tr>
<tr>
<td>Proper use of bluebook citation, typeface, conventions, etc.</td>
<td>OMIT*</td>
<td>OMIT*</td>
</tr>
<tr>
<td>2. WRITING STYLE</td>
<td>20</td>
<td>____</td>
</tr>
<tr>
<td>Spelling, grammar, punctuation, sentence structure and paragraph structure, clarity, power, and precision of expression</td>
<td>20</td>
<td>____</td>
</tr>
<tr>
<td>3. SUBSTANTIVE COMPONENT</td>
<td>90</td>
<td>____</td>
</tr>
<tr>
<td>a) Analysis of the law and application of the law to the facts of the problem.</td>
<td>30</td>
<td>____</td>
</tr>
<tr>
<td>b) Thoroughness of research</td>
<td>15</td>
<td>____</td>
</tr>
<tr>
<td>c) Organization of argument(s)</td>
<td>15</td>
<td>____</td>
</tr>
<tr>
<td>d) Quality of the statement of the case, summary of the argument(s), and other brief subdivisions.</td>
<td>10</td>
<td>____</td>
</tr>
<tr>
<td>TOTAL</td>
<td>90</td>
<td>____</td>
</tr>
</tbody>
</table>

*Form to be graded by the William & Mary Moot Court Board.
FORTY-THIRD ANNUAL WILLIAM B. SPONG, JR.
INVITATIONAL MOOT COURT TOURNAMENT
WILLIAM & MARY SCHOOL OF LAW
FEBRUARY 14-15, 2014

ORAL ARGUMENT SCORE SHEET

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Maximum Score</th>
<th>Speaker 1</th>
<th>Speaker 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Opening and Closing Arguments:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How well did counsel state the facts and issues raised?</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>How well did counsel summarize and conclude?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Knowledge of Briefs and Record:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knowledge of content, authority stated, issues, and argument raised.</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Substantive Content of Argument:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Order of presentation of points, emphasis on those points, judicious use of time, and effectiveness of argument.</td>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Answering Questions:</strong></td>
<td></td>
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<tr>
<td>Ability to answer questions, to think on feet, and to resume thread of argument after interruption.</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Extemporaneous Ability:</strong></td>
<td></td>
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<td></td>
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<tr>
<td>Ability to speak without notes or with unobtrusive notes, use of the speaking voice, poise, gestures, mannerisms, and courtroom etiquette.</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>100</td>
<td></td>
<td></td>
</tr>
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</table>

APPENDIX III
By signing this form, each signatory certifies that the attached brief has been prepared in accordance with the Rules, and represents the work product of only registered members of the team.

Team Member 1:  
Signature  
Print Name

Team Member 2:  
Signature  
Print Name

Team Member 3:  
Signature  
Print Name