



Supreme Court

OF THE OKLAHOMA INTERCOLLEGIATE LEGISLATURE

*Moot Court Competition
Rules and Regulations*

Fall 2018 Session

Justices and Scoring Panel

CHIEF JUSTICE AMY VANDERVEER
VICE CHIEF JUSTICE IZAAK THOMPSON
ASSOCIATE JUSTICE MATTHEW NIEMAN
ASSOCIATE JUSTICE WILL FLANAGAN
ASSOCIATE JUSTICE BEN GARRETT
ASSOCIATE JUSTICE KATHRYN KLEINER
ASSOCIATE JUSTICE CATHRYN MASSING
ASSOCIATE JUSTICE SOPHIE MACHALEC

The following rules will outline the General Procedures, the Petitioner's Argument, the Respondent's Argument, the Petitioner's rebuttal, General Tips, and overall Scoring for the OIL Moot Court Competition. Good luck in the competition!

OIL MOOT COURT

“MISTER/MADAM CHIEF JUSTICE AND MAY IT PLEASE THE COURT...”

GENERAL PROCEDURES

1. The Court will assign you a side (Petitioner or Respondent) for all rounds excluding finals. Parties for the Final Round will be determined by a simple coin toss.
2. All information regarding specific times and locations will be posted online on both a Facebook forum and the OIL Supreme Court Website (www.oilsupremecourt.wordpress.com). The Final Round will be announced on the following forums, as well as announced in both legislative chambers.
3. Only precedent cases listed on the problem may be used. All cases have equal weight and multiple cases should be cited during the round. You cannot cite a case discussed in one of the precedent cases.
4. The OIL Supreme Court does have the authority to add resources (limited only to officially passed legislation by the state or federal Congress) throughout the competition as they see fit. New precedent cases **WILL NOT** be added throughout the competition.
5. A general moot court meeting will be held immediately following opening session. The location of the meeting will be announced during opening session. The meeting is mandatory; anyone wishing to compete who cannot attend the meeting must provide his or her name and contact information to one of the Supreme Court Justices before opening session.
6. A practice round will be held on the first full day of session. Competitors will receive oral critiques following the practice round about their performances. The Court **STRONGLY** encourages competitors to participate in the practice round because this will be their only opportunity to get feedback from the justices.
7. Competitors may use electronic devices during their rounds, provided all sounds on the device(s) are turned off. If a competitor uses an electronic device, as with notes, the competitor should make efforts to not appear to be “tied” to the device.
Example: poor eye contact. Usage of electronic devices is prohibited during the Final Round.
8. Arrive at your designated courtroom early. If a competitor is not present at their argument time, the competitor will forfeit the round and be disqualified from the remainder of the competition. Any exceptions to these rules are at the sole discretion of the Chief Justice.

9. The Petitioner will sit to the right of the bench (left side looking at the Court) and the Respondent will sit to the left of the bench (right side looking at the Court). Remain standing when you enter the room, and sit when the Chief Justice grants you permission. Should the room layout be different, the Court will reiterate where to sit at the general information meeting.
10. Each competitor will receive ten minutes to present his or her argument. The competitors in the final round will receive 15 minutes each.
11. The Chief Justice will ask if the Petitioner has any announcements. The appropriate reply is to stand and state, "yes" and then your name, school name and who in the case you represent. If you are the Petitioner this is also when you reserve your time for rebuttal. The petitioner may reserve up to three minutes for rebuttal in regular rounds, up to five minutes for rebuttal in the Final Round. The Chief Justice will then ask the Respondent if they have any announcements and again the appropriate response shall be the same with petitioner minus the rebuttal reservation.
12. The Chief Justice will then give case facts and call for oral argument. The Petitioner will be asked first to begin their oral argument. They should approach the podium and begin their argument.
13. At the conclusion of the Petitioner's initial argument, the Respondent will then be asked to give their oral argument. Both competitors should be courteous to each other while the other is delivering their oral argument. Competitors should not approach the podium until invited to do so by the Chief Justice. Remaining quiet and do not shuffle papers are a couple of tips. Taking notes is appropriate and encouraged.
14. Dress in courtroom attire. Men should wear suits and women should wear jackets and skirts or slacks. No jeans, shorts, t-shirts or hats are allowed. Special accommodations can be made at the discretion of the Chief Justice.
15. A justice will be keeping time and will hold up time cards when there are five minutes and the when one minute is left. Do not exceed your allocated speaking time without the Chief Justice's permission.
16. Sit down immediately after the conclusion of your argument. When the case is submitted, the parties will be dismissed and they can leave the courtroom.
17. Wait outside the courtroom after the round. The Court will administer comment cards that address strengths and weaknesses that were present to the specific competitor, in order to prevent from the same mistakes being made again.

PETITIONER'S ARGUMENT:

1. Begin by saying, "Mister/Madame Chief Justice and may it please the Court, my name is _____ from (state your university) and I represent the Petitioner, (state petitioner's title/name).
2. State all of your issues and primary arguments you will use to address your case and the issue at hand. Example: Sign posting.
3. Move directly into the facts of the case. The Chief Justice may interrupt you, stating the Court is familiar with the facts, and ask you to move directly into your argument.
4. At this point move directly into your points and arguments. This is also a good opportunity to cite your selection of precedent cases.
5. Expect to be interrupted with questions. Answer the questions clearly and concisely, and then transition back into your argument as smoothly as possible. Be respectful.
6. As time remaining decreases move into a conclusion and sum up your argument.
7. If you have reserved no rebuttal time, end with a prayer for relief, otherwise do not give it until the end of your rebuttal.
8. Besides the ending prayer of relief, the Petitioner should use their rebuttal to rebut/rebuke the Respondent's argument.

RESPONDENT'S ARGUMENT:

1. Begin with the same opening as the Petitioner. The layout of your presentation should be similar to the Petitioner's. Be sure to also rebut the Petitioner's argument, like they should do in their rebuttal, as well as provide your own.
2. Respondent's delivery for prayer of relief is much the same as Petitioner's. The Respondent should respectfully request the Court to act in opposite of what the Petitioner requests.
3. Example: "For these reasons, the Respondent respectfully requests that this Court affirms the decision of the lower court. Thank you," then return to your seat.

PETITIONER'S REBUTTAL ARGUMENT:

1. Three minutes max may be reserved for rebuttal. Five minutes for the Final Round.
2. Use this time wisely. The Petitioner should still expect to be peppered with questions.

3. End with the Petitioner's prayer for relief.

If using the Respondent's prayer example above, the Petitioner's would be the following: "For these reasons, the Petitioner respectfully requests that this court reverse the decision of the lower court. Thank you," then return to your seat.

FINAL GENERAL TIPS:

1. Be sure to issue the beginning phrase: "Mister/Madame Chief Justice and may it please the Court" at the very beginning of your argument. This is **very** important because you are directly addressing the presiding judge(s) on the Court's time. By this point in the case, the high court has granted you "cert," or permission to hear your case, attorneys should be grateful and that phrase is the proper way to thank the Court.
2. Be prepared to argue the full ten minutes in case you have a cold bench. 15 minutes for the Final Round.
3. Signpost. Hands are a powerful tool to convey a particular important part of your argument. The case facts, case logic, and supporting authority cases are typical useful signposts to use.
4. As hands can be powerful, they can also be distracting. Do not overdue the usage of hands. Attorneys should not look like drum majors while delivering their arguments.
5. Always address a judge as "Your Honor(s)," or, "Justice (judge's last name)."
6. If a judge asks you a question, you should seize speaking immediately and answer the question to the best of your ability. Let the judge finish asking the question before answering, NEVER interrupt a judge while asking a question to make a point. You are not debating a justice EVER.
7. Justices will typically ask higher-level thinking questions and possible hypotheticals that could be a result of the pending decision. Research the cases in depth for knowledge of precedent, case facts, questions, and results/concerns at the time of the outcome of the case. Oral arguments of precedent cases found on (www.oyez.org) is a great resource for help.
8. Attorneys should look at oral arguments as arguments with the opposing side without having direct dialogue with the other side. Justices will never ask questions to engage in argument with attorneys. The attorneys should never treat it that way in tone or attitude with the Court.
9. The entire purpose of oral arguments in an appellate setting is to address the concerns of the Court. Questions means the Court is interested and open to persuasion. Listen to the questions, identify the concern the judge has within the question, and try to answer accordingly.
10. Turn off your cell phones and any other noise makers. If your cell phone goes off during a round you will lose points from your overall score for that round.

11. Do not refer to yourself during arguments as “I”. Use only “The Petitioner,” “The Respondent,” or the clients name. Remember, you are an attorney representing a group or person, not yourself.
12. Do not rely heavily on notes. Maintain proper and good eye contact with the Court.
13. Project your voice. Rooms for competition may change and you should adjust your voice accordingly to room size.
14. Speak at a deliberate/appropriate pace. Be persuasive.
15. Breathe.
16. Eat before and drink lots of water.
17. Final note: Have fun. Please participate in the practice round to hopefully shake the nerves off by the first round. The rules and procedures will come more naturally to you if you do. Listen to the judges the first time and learn from your mistakes.

SCORING:

- As a competitor you will be scored on:
 - A. Logical argument (20 possible points)
 - B. Ability to answer questions (20 possible points)
 - C. Legal reasoning (20 possible points)
 - D. Speaking ability (20 possible points)
 - E. Courtroom demeanor (20 possible points)
- 100 TOTAL POSSIBLE POINTS
 - A. The logical argument points are based upon how each judge views your argument as a whole: its logic, organization, completeness, coherency, accuracy, and its structure.
 - B. The ability to answer questions’ points are based upon how well the competitor answered the questions and how accurate the answers were.
 - C. The legal reasoning points are given for how many cases are cited and correctly conveyed they are in the attorney’s argument.
 - D. The speaking ability points depend upon the competitor’s posture, eye contact, assertiveness and overall speaking ability.
 - E. Finally, the courtroom demeanor points are based on how courteous, polite and professional the competitor is in the courtroom.