



Texas Young Lawyers Association

State Moot Court Competition Rules

Revised September 2022

Chapter 1: General

§ 1.1 Name and Sponsorship.

The State Moot Court (“SMC”) Competition is sponsored annually by the Texas Young Lawyers Association (“TYLA”) for law schools in Texas. The competition is held in conjunction with the annual meeting of the State Bar of Texas.

§ 1.2 Definitions.

- (a) *Appellant* means a party taking an appeal to an appellate court.
- (b) *Appellate court* means the courts of appeals, the Court of Criminal Appeals, and the Supreme Court.
- (c) *Appellee* means a party adverse to an appellant.
- (d) *Petitioner* means a party petitioning the Supreme Court or the Court of Criminal Appeals for review.
- (e) *Relator* means a person seeking relief in an original proceeding in an appellate court other than by habeas corpus in a criminal case.
- (f) *Respondent* means:
 - 1. a party adverse to a petitioner in the Supreme Court or the Court of Criminal Appeals; or
 - 2. a party against whom relief is sought in an original proceeding in an appellate court.
- (g) *The SMC Committee* means the committee be appointed by the TYLA President to conduct the competition. All correspondence with the SMC Committee shall be sent to Bree Trevino, bree.trevino@texasbar.com.
- (h) *Electronic Filing Manager* means the designated electronic filing system employed, if applicable, by the competition (e.g. www.eFileTexas.gov).
- (i) *Team* means the two or three law students designated by a participating school to write the brief and compete in the oral competition. Teams consisting of three members are not required to send the third member to the oral competition.
- (j) *Law students* means a person enrolled at a participating Texas law school during the spring or summer of the year of the competition. Only students who are candidates for a juris doctor degree may compete, except those students graduating in the spring semester or quarter are still eligible to compete.

§ 1.3 Filing and Serving Briefs.

A brief is considered filed and served when it is sent via email to the SMC Committee and the other team contacts or, if applicable, when filed and served on the other team contacts through the designated electronic filing manager, which will generate confirmations of filing and service on the other teams.

If a brief is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from the SMC Committee.

§ 1.4 Certificate of Service.

Each brief must contain a certificate of service and must state the date and manner of service and identify by team number the other teams served.

§ 1.5 Coaches' Meeting.

The SMC Committee may conduct coaches' meeting prior to the competition to discuss procedures and rules. The participating law schools must send at least one representative to the meeting.

§ 1.6 Conduct.

The conduct of all participants in the competition shall be governed by the standards set out in the Texas Disciplinary Rules of Professional Conduct, Texas Rules of Disciplinary Procedure, Code of Judicial Conduct, Texas Lawyer's Creed, and the Texas Rules of Appellate Procedure—Standards for Appellate Conduct.

Chapter 2: Teams

§ 2.1 Selection and Substitution.

Texas law schools may each enter one team in the competition.

Participating law schools wishing to substitute the membership of a team, after the submission of written briefs, must seek and obtain written permission from the SMC Committee. The SMC Committee may, at its sole discretion, grant such requests upon a showing of good cause, such as death, illness, or other similar circumstances.

§ 2.2 Team Numbers.

The SMC Committee will assign each team a number. This team number will be the sole method for identifying teams during the competition.

§ 2.3 Assistance.

Because the purpose of this competition is educational, a team may receive assistance in preparing its brief so long as the brief is primarily the work product of the team members. Teams are encouraged to seek assistance in preparing for the oral arguments.

Chapter 3: Problem

§ 3.1 Distribution and Content.

The problem for the competition will be distributed in January or February via email or, if applicable, the electronic filing manager. It will consist of a court of appeals opinion and such other parts of the record as the SMC Committee may deem necessary to give the participants a complete understanding of the case.

The problem will deal with matters of current and general interest. The persons and events depicted in the problem are purely fictional and are prepared solely for the educational exercise being conducted in this competition. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

§ 3.2 Supplemental Record and Authorities.

The SMC Committee may, at its sole discretion and after the submission of written briefs, modify the problem for oral argument by supplementing the record or authorities. Notice of Supplemental Records or Authorities shall be distributed via email or, if applicable, the electronic filing manager.

§ 3.3 Court.

The problem will be a civil matter before the Texas Supreme Court in even-numbered years.

The problem will be a criminal matter before the Texas Court of Criminal Appeals in odd-numbered years.

Chapter 4: Briefs

§ 4.1 Party Selection.

Teams may choose with side they wish to represent.

§ 4.2 Supplemental, Amended, Response, and Reply Briefs.

Teams may submit **one brief**. Teams may not supplement or amend their briefs. No response or reply briefs are allowed.

§ 4.3 Format.

Briefs shall conform to Texas Rule of Appellate Procedure 9.4, unless specifically provided otherwise by these rules.

§ 4.4 Maximum Length.

Briefs may not exceed 15,000 words.

§ 4.5 Certificate of Compliance.

Briefs must include a certificate of compliance stating the number of words in the brief. The person certifying may rely on the word count of the computer program used to prepare the brief.

§ 4.6 Texas Supreme Court.

Briefs shall be in the form used in the Texas Supreme Court when the problem is civil.

Both Petitioner and Respondent must comply with the requirements in Texas Rule of Appellate Procedure 55.2, except that the items identified in subsection (a) and (e) shall not be included.

The provisions in Texas Rule of Appellate Procedure 55.3 (pertaining to the Respondent's brief) do not apply.

§ 4.7 Texas Court of Criminal Appeals.

Briefs shall be in the form used in the Texas Court of Criminal Appeals when the problem is criminal.

Both Appellant and Appellee must comply with the requirements in Texas Rule of Appellate Procedure 38.1, except that the items identified in subsection (a) and (e) shall not be included.

The provisions in Texas Rule of Appellate Procedure 38.2 (pertaining to the Appellee's brief) do not apply.

§ 4.8 Distribution.

The SMC Committee will set a deadline for filing the briefs.

§ 4.9 Brief Identification.

Briefs shall not be signed.

Teams shall identify be identified only by team number.

The brief shall contain no markings identifying any law school or team member.

§ 4.10 Judging.

The SMC Committee will select a panel of three lawyers to judge the briefs. Knowledge of the law and persuasiveness will be the primary standards in grading, but form, style, and appearance will also be considered.

The SMC Committee will provide the panel with brief grading instructions and a brief ballot with a maximum of 100 ballot points. Grading will be anonymous with each brief identified only by a team number.

Each judge will rank the briefs from best (number one) to worst (number tenor the total number of

participating teams, if different). These three numbers will serve as brief rankings after any applicable ranking penalties have been deducted. There shall be no ties between briefs before penalties are imposed.

Chapter 5: Oral Arguments

§ 5.1 Participants.

No more than two team members shall participate in each round of oral argument. A team may vary which members shall argue from round to round.

§ 5.2 Judges.

The SMC Committee will select lawyers to serve as judges during oral argument. Judges will not be furnished copies of the teams' briefs before judging their respective rounds. Instead, the SMC Committee will prepare a bench brief for the judges' use.

The Panel may give the teams feedback after oral arguments are complete, while awaiting results from the SMC Committee.

§ 5.3 Time.

Oral argument will be limited to a total of 30 minutes per team. No team member may speak for more than 17 minutes of the allotted 30 minutes, including rebuttal. The Petitioner (Appellant) may reserve up to a maximum of five minutes for rebuttal.

The judges may, in their sole discretion, extend any speaker's time.

§ 5.4 Decisions.

Teams will compete before a panel of at least three judges. SMC Committee members may judge during the preliminary rounds, if necessary.

A uniform, odd number, of ballots will be scored during each round.

The SMC Committee shall select ballots to discount at random, or by some other means, during the round when a panel of judges consists of an even number or more than the uniform, odd number.

The SMC Committee may inform teams of the discounted ballots after the round.

The Chief Justice (Presiding Judge) will announce the results of the round after receiving them from the SMC Committee.

§ 5.4 Scoring Methodology.

A team may receive a maximum of 12 points per round: nine possible points for oral argument and three possible points for the brief.

A team will receive one brief point every time a brief judge ranked its brief higher than the opposing team's brief.

A team will receive three points for each oral argument ballot cast in its favor by a three-judge panel; 1.8 points for each ballot on a five-judge panel; 1.286 points for each ballot on a seven-judge panel; and one point for each ballot on a nine-judge panel.

The winning team on a judge's ballot will be the team with the highest total number of speaker points or the team selected in case of a tied ballot. While judges are admonished against ties, in the event of a tied ballot, a judge must select the team they wish to win the round.

The winner of the round will be the team with the highest number of oral argument and brief points for that round. In the event of a tie, the winner of the most oral argument ballots (not speaker points) will be declared the winner of the round.

§ 5.5 Forfeiture.

A forfeiture will be counted as a win for the non-forfeiting team. The winning team will receive for that round the average of its total accumulated points in the preliminary rounds, including speaker points. The losing team will receive the average of its total accumulated points in the preliminary rounds, including speaker points, less six points from the average of the oral argument and brief point total as a penalty.

§ 5.5 Preliminary Rounds.

The preliminary competition will consist of a round robin in which each team will compete against every other team once.

The SMC Committee will distribute the bracket to the teams prior to the competition.

§ 5.6 Semifinal Rounds.

The four teams with the highest total number of accumulated points as determined will advance to the semifinal round. The winning teams of the semifinal round will advance to the final round.

§ 5.7 Final Round.

Two teams will advance to the final round. The final round will take place before either the Texas Supreme Court or the Texas Court of Criminal Appeals, depending on whether the problem is civil or criminal. The winner of the final round will win the competition.

§ 5.8 Semifinal and Final Rounds Party Selection.

The higher seeded team in the semifinal and final rounds may select which side they will argue and shall promptly notify the SMC Committee of their selection.

§ 5.9 Semifinal Seeding.

In the event of a tie for any of the four positions in the semifinal round, the basis for selection in order of priority will be the teams with:

- The best win-loss record;
- The highest total number of accumulated speaker points;
- The highest total number of brief points; and
- The lowest total number of speaker rankings. A speaker ranking is the position (first through fourth) each speaker placed among all four speakers on a judge's ballot.

Pairings in the semifinal round will be power protected. The team with the best record shall compete against the team with the fourth best record, and the team with the second best record shall compete against the team with the third best record.

§ 5.10 Bailiffs.

Teams shall furnish a bailiff for each preliminary round of the competition; and for the semifinal and final rounds should their teams advance.

The SMC Committee may, in its sole discretion, provide a bailiff for teams upon a showing of good cause, such as financial hardship or other similar circumstances. Teams must submit requests for the SMC Committee to provide their bailiff prior to the deadline to submit written briefs.

A bailiff furnished by the SMC Committee in accordance with subsection will be treated as if the bailiff had been furnished by the team.

§ 5.11 Bailiffs Meeting.

The SMC Committee may meet with the bailiffs prior to the start of the competition. All bailiffs are expected to attend the meeting.

§ 5.12 Bailiff Duties.

The bailiff for the Petitioner (Appellant) shall serve as timekeeper when the Petitioner (Appellant) is speaking. The bailiff for the Respondent (Appellee) shall serve as timekeeper when the Respondent (Appellee) is speaking.

The bailiffs shall also:

- Meet with the teams before each round and note time allocations;
- Escort judges to their assigned competition rooms;
- Facilitate resolution of judge conflicts by ensuring that the round does not begin before receiving approval from the SMC Committee;

- Serve as timekeepers for the round and hold up **placards** indicating the amount of time remaining in the argument;
- Notify the SMC Committee when judges have submitted their electronic ballots; and
- After the SMC Committee has confirmed receipt and accuracy of ballots, notify the Chief Justice (Presiding Judge) of the round.

§ 5.13 Anonymity of Teams.

The SMC Committee will not disclose the law school affiliation of teams to the judges until that judge is no longer judging any further rounds in the competition.

Teams shall not communicate with any judges before that judge enters the competition room.

Teams and their bailiff are specifically prohibited from identifying their law school.

All public postings of team pairings will use team numbers, not law school names.

Chapter 6: Penalties

§ 6.1 General.

The SMC Committee may, in its sole discretion, sanction teams, team members, and/or participating law schools for violating competition rules or for any other conduct it deems sanctionable.

§ 6.2 Sanctioning Guidelines.

The SMC Committee will strictly enforce the following sanctioning guidelines, which are not exhaustive; however, it may deviate if it determines there are aggravating or mitigating circumstances, or in the interest of justice:

- Teams shall lose one brief ranking position per brief judge for each 24-hour period, or part thereof, the brief is filed and served late (this penalty is cumulative);
- Teams shall lose one brief ranking position per brief judge for each increment of 300 words in excess of the maximum length.
- Teams shall lose three brief ranking positions per brief judge for any signatures, markings, or other information identifying any law school or team member.
- All other violations of the rules governing briefs will result in a ranking penalty determined by the SMC Committee.

The SMC Committee, in its sole discretion, may disqualify a team with more than six ranking penalties.

Sanctions during the oral arguments portion of the competition will be determined on a case-by-case basis by the SMC Committee.

§ 6.3 Protests.

Protests relating to a brief must be made within seven calendar days after the brief's submission.

Protests relating to conduct during an oral argument must be made within 10 minutes of the round ending.

Protests must specify the misconduct or violation.

The SMC Committee, in its discretion, may give a team subject to a protest an opportunity to respond, either immediately or within a specified time.

Chapter 7: Awards

§ 7.1 General.

The SMC Committee will present the following awards:

- First Place Team;
- Second Place Team;
- Best Advocate;
- Second Best Advocate;
- Third Best Advocate;
- Best Brief;
- Second Best Brief; and,
- Third Best Brief.

§ 7.2 First Place.

The first-place award will go to the law school whose team wins the final round.

In addition, each team member will receive an individual award.

§ 7.3 Second Place.

The second-place award will go to the law school whose team loses the final round.

§ 7.4 Best Advocates.

The best advocate award will go to the speaker who receives the highest average number of speaker points in the preliminary rounds (the total number of speaker points divided by the number of rounds the speaker argued).

The second and third best advocate awards will be determined by the same method for determining best advocate.

A speaker must argue in at least three rounds to be eligible for the best advocate award.

§ 7.5 Best Advocate Tiebreaker Methodology.

In the event of a tie for best advocate, the speaker with the lowest average of speaker rankings in the preliminary rounds (the total number of speaker rankings divided by the number of rounds the speaker argued) will receive the best advocate award.

If there is still a tie for best advocate, all speakers who are tied will receive the best advocate award.

§ 7.6 Best Brief.

The best brief award will go to the law school whose team's brief has the highest total brief rankings after any penalties are assessed.

The second and third best brief awards will be determined by the same method for determining best brief.

§ 7.7 Best Brief Tiebreaker Methodology.

In the event of a tie for best brief, the award will go to all the law schools whose teams are tied.

§ 7.8 Justice Jeff Boyd Professionalism Award.

The SMC Committee may, on occasion and at its sole discretion, issue a professionalism award to teams or participants who, through their words and actions, exemplify the highest standards of professionalism and ethics during the competition.

Chapter 8: Interpretation and Amendments

§ 8.1 Interpretation of Rules and Problem.

All requests for interpretation of the rules or problem must be sent to the SMC Committee no later than four weeks before the brief deadline.

The SMC Committee's response to the request will be sent to all teams.

§ 8.2 Amendment of Rules.

The SMC Committee may amend these rules by majority vote.

§ 8.3 Emergency Suspension of Rules.

The SMC Committee may suspend these rules in the event of an emergency that threatens to

substantially interfere with the normal course of the competition.

In such an event, the SMC Committee shall promptly adopt different procedures and/or rules and distribute them to the teams.