

# RULES

## 2009 ROBERT ORSECK MEMORIAL MOOT COURT COMPETITION

This year's problem presents interesting questions involving Florida law. Each team should be prepared to argue both sides of the issues representing the Petitioner or the Respondent. Each competing school shall have one team submitting a Brief for either the Petitioner or the Respondent. Each team should make its best arguments regardless of whether the trial or appellate court found such argument persuasive.

**A Registration Form is attached and must be submitted by April 14, 2009.** The problem will be sent to those teams who have registered and will be available on the YLD website. If there are an odd number of teams registered, the registered team that placed highest in last year's Competition will be asked to send a second team. If that team declines, the next highest placing team from last year will be asked to send a second team.

**Composition of Teams.** Each team shall be composed of two or three students, all of whom must be full or part-time law students currently enrolled in a J.D. program at the time of the Competition. Participants must be matriculated law students at the time of the Competition.

The Briefs must comply with the **FLORIDA RULES OF APPELLATE PROCEDURE** with the following limited changes:

- a. Briefs are limited to 25 pages of text. These 25 pages do not include: cover page, table of contents, table of citations (a/k/a table of authorities), certificate of service, certificate of typeface compliance. All other subparts are included within the 25 pages of text;
- b. Briefs shall contain only a team number and no individual law school designation;
- c. Each Brief should contain a short recitation of the facts;
- d. Each team must deliver an original plus six (6) copies of its Brief to Michael Fox Orr. **The Briefs must be postmarked no later than May 26, 2009, or sent via delivery service (via Federal Express, etc.) and marked as being sent no later than May 26, 2009. Any team submitting a Brief that is postmarked after May 26, 2009, or is marked as being sent to Michael Fox Orr after May 26, 2009, shall result in that team forfeiting the points associated with the Brief portion of the Competition.**

The Briefs must be delivered to Michael Fox Orr, Esq., Marshall, Dennehey, Warner, Coleman & Goggin, P.C., 200 West Forsyth Street, Suite 1400, Jacksonville, Florida 32202.

- e. **Each Brief must contain a Certificate of Service certifying that a copy of the Brief has been furnished to the Faculty Representative or Moot Court Chairperson for each of the other nine law schools. However, the copies of the Briefs furnished to**

**the other nine law schools shall not be sent to the other nine law schools until May 27, 2009.**

The teams shall be designated as follows:

No. 1 Barry University	No. 6 Nova Southeastern University
No. 2 Stetson University	No. 7 University of Miami
No. 3 Florida Coastal School of Law	No. 8 Florida State University (FSU)
No. 4 University of Florida	No. 9 Florida A & M University of Law (FAMU)
No. 5 St. Thomas University	No. 10 Florida International University (FIU)

- ***The Preliminary Competition, June 24, 2009***

The two preliminary rounds will take place on Wednesday, June 24, 2009, from 2:00 p.m. to 6:00 p.m. Each team will argue on-brief and off-brief on this day. Pairings of teams will be given to you when you check in on June 24th. Information as to the Moot Court check-in location will be sent to you, and you will be given your room assignment when you check in on the day of the Competition.

All arguments will be thirty (30) minutes per side. Each two-member team shall divide the allotted time between team members as it deems fit. The Petitioner shall present argument first. The Petitioner may reserve up to five minutes for rebuttal. Bailiffs and clerks will be available to indicate the use of allotted time. Enclosed are sample scoring sheets for the Brief and oral argument. [Note: Schools will not receive back last year's score sheets.]

The oral arguments will be judged by panels of three (or four) Judges. For each oral argument, the Judges will be provided the attached scoring sheet. You will see that each Judge is to individually score each team member. Each team member may receive a maximum of 100 points. From each Judge's score sheet an average score for the team will be calculated. The three (or four) average scores received from the panel will then be averaged resulting in the team's oral score for that round. The oral scores from rounds one and two will then be added to the team's Brief score and the total will be divided by three, resulting in equal weight being given to the Brief and the two arguments. The teams with the six (6) highest scores in the preliminary Competition will advance to the semi-final Competition on June 25, 2009.

We will be having a cocktail reception following the two preliminary rounds on Wednesday, June 24, 2009, at approximately 5:30 p.m. At this time, we will be announcing the teams advancing to the semi-final Competition.

- ***The Semi-Final Competition, June 25, 2009***

The semi-final Competition will involve six teams and two rounds and will be held Thursday, June 25, 2009, from 8:30 a.m. to 11:30 a.m.

During the semi-final rounds, each individual team will again argue both on-brief and off-brief resulting in two oral argument scores. The scoring system will be identical to the preliminary rounds. The two oral argument scores will then be added to the score for the Brief and averaged to produce a total score for the semi-final Competition. This will again result in the on-brief argument constituting one-third; off-brief argument, one-third; and total Brief score, one-third. The teams with the top two scores will advance to the finals.

- ***The Final Competition, June 19, 2009***

The final Competition will be held Thursday, June 25, 2009, at 2:00 p.m., and will consist of only one argument. A coin toss after the semi-final round will determine which of the teams will argue as Petitioner and which as Respondent.

The Florida Supreme Court Justices score the final round. The Florida Supreme Court then chooses the winning team and selects the best oralist. The awards will be presented at the conclusion of the argument.

The final round will be held in conjunction with the Florida Bar Appellate Section's Question and Answer Session with the Florida Supreme Court.

- ***Briefs***

Aside from the modifications of the Florida Rules of Appellate Procedure addressed above, please note the following:

Faculty advisors, law students and/or practicing attorneys may provide some guidance and input to the students with respect to writing the Brief. These persons, however, cannot edit or substantively assist in the rief writing process.

**REVIEW OF OR REFERENCE TO ANY "BRIEFS" FILED IN ANY OTHER CASE IS PROHIBITED!**

- ***General Comments:***

Throughout the Competition, teams will be referred to by number only. In an effort to prevent any question of favoritism, the Judges at no time will know which school a team represents.

If you have any questions regarding interpretation of the Rules, please submit them to Michael Fox Orr, Esq., Marshall, Dennehey, Warner, Coleman & Goggin, P.C., 200 West Forsyth Street, Suite 1400, Jacksonville, Florida 32202, in writing no later than May 15, 2009. Alternatively, questions may be e-mailed to Michael Fox Orr at [mforr@mdwgc.com](mailto:mforr@mdwgc.com) within the same time frame, or submitted via facsimile to his attention at 904-355-0019 within the same timeframe specified above. Questions submitted and answers will be published on the YLD website.