Global Antitrust Institute Invitational

2015 Global Antitrust Institute Moot Court Invitational Rules

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2015 GLOBAL ANTITRUST INSTITUTE MOOT COURT INVITATIONAL

RULES AND PROCEDURES

ARTICLE 1. THE MOOT COURT INVITATIONAL

1.1 Background
The Global Antitrust Institute Invitational (the "Invitational") is the only moot court competition devoted exclusively to antitrust law and is open by invitation only. Competing teams will have the chance to not only compete in a federal circuit court, but also attend a private reception and network with an extensive list of litigation and antitrust professionals from the Washington, D.C. area. The Invitational is organized by the Global Antitrust Institute Invitational Committee of the George Mason University School of Law Moot Court Board ("Committee").

1.2 Legal Problem
The Invitational Problem (the “Problem”) was written by two George Mason University School of Law students, who were supervised by Judge Douglas H. Ginsburg.

All requests for interpretation or clarification of the Problem or these Rules must be submitted via e-mail to gaimoot@gmail.com no later than December 17, 2014. Please be aware that when sending a request to the above e-mail address, the question will be distributed to all teams and members of the Invitational. The Committee has sole discretion to issue any interpretations or clarifications.

1.3 Invitational Fee
There is a $450 fee for each team entered in the Invitational. Checks should be made payable to “George Mason University.” Payment must be received on or before December 15th, 2014. Please disregard this section if your payment has already been confirmed.

1.4 Invitational Timeline

**November 30, 2014**  
Problem sent to all teams currently registered.  
Announcement of team sides for brief writing.

**December 15, 2014**  
Participation fee must be received.

**December 17, 2014**  
Cutoff date for requests for clarification and interpretation of the Problem and Rules.

**January 20, 2015**  
Briefs must be submitted electronically by 8:00 p.m. EST. Directions to submit briefs are below in Section 3.2.

**February 1, 2015**  
Teams must submit a list of attendees including competitors, advisors, and guests for security purposes.
**February 20, 2015**  
Evening cocktail reception featuring FTC Commissioner Maureen Ohlhausen, hosted at George Mason University School of Law. Reception is open to competitors, judges, litigation and antitrust professionals, and GMU Law moot court board members.

**February 21, 2015**  
Preliminary, Semi-Final & Final Rounds of oral argument at the United States Court of Appeals for the District of Columbia. FTC Commissioner Joshua Wright will be speaking during lunch.

1.5 **Competition Schedule and Location**  
Oral arguments will be heard on Saturday, February 21, 2015 at the E. Barrett Prettyman United States Courthouse, 333 Constitution Ave., NW Washington, DC 20001.

All teams will argue in each Preliminary Round. Oral arguments shall start promptly at the designated time, according to the following schedule:

- **Competitor Registration**  
  8:15am – 8:45am

- **Preliminary Rounds**  
  First Preliminary Round:  
  9:00 am – 10:25 am  
  Second Preliminary Round:  
  10:30 am – 11:55 am

- **Lunch with speech by FTC Commissioner Joshua Wright**  
  12:00 pm

- **Advancing Rounds**  
  First Semi-Final Round:  
  12:45 pm – 2:15 pm  
  Second Semi-Final Round:  
  2:25 pm – 3:50 pm  
  Final Round:  
  4:00 pm

NOTE: Each team must check-in with the Committee prior to entering their assigned courtrooms before the first round of competition. Competitors should plan to arrive 30 minutes prior to their first argument to go through security and check-in.

**ARTICLE 2. TEAMS**

2.1 **Number and Composition of Teams**  
(a) **Number of Teams.** The Invitational is open exclusively to eight teams, and teams will be admitted on a first-come basis.

(b) **Composition of Teams.** Each team may consist of 2 or 3 students. Each student must be, at the time the team is registered to compete in the Invitational, a law student pursuing a
Juris Doctor degree. All team members must be students at the same law school. No student may be a member of more than one team in the Invitational.

2.2 Designation of Competitors and Advisors to Attend Invitational
Each team shall submit a list of competitors, advisors, and guests who are expected to attend the Invitational via e-mail no later than February 1, 2015. This list is for security purposes. Any person not listed as a competitor, advisor, or guest by the deadline will not be permitted to enter the Courthouse. To submit a list or for questions, please contact Claire Bourque at gaimoot@gmail.com. Please note lunch will be provided only for competitors and advisors. Details regarding purchasing lunch for guests will be provided in January.

2.3 Designation of Teams as Counsel for Appellant or Appellee
Each team will be randomly assigned to represent Appellant or Appellee for purposes of the Briefs. For blind scoring purposes, teams will also receive a randomly assigned letter to identify their briefs. These assignments will be issued to teams with the Problem via e-mail by November 30, 2014.

ARTICLE 3. BRIEFS

3.1 Format of Briefs
(a) Format. Except as otherwise provided in these Rules, briefs shall follow the format specified in the Federal Rules of Appellate Procedure, except that no formal list of parties is required. All citations shall follow the format prescribed in The Bluebook: A Uniform System of Citation, 19th ed., published by the Harvard Law Review Association. Your school name or the names of the team members must not appear on the brief. Each team will be assigned a team letter, as described in Section 2.4, which must be placed on the cover page. The brief may not be signed, nor may any marks identifying the team’s members, or its school appear anywhere.

(b) Type Size & Line Spacing. The font used shall be 12-point Times New Roman. All text shall be double-spaced except footnotes and long quotations, which may properly be single-spaced according to the guidelines set forth in The Bluebook: A Uniform System of Citation.

(c) Page Numbering & Size. Pages shall be numbered. Each page shall be 8.5 inches by 11 inches, and have top, bottom, left, and right margins of 1 inch, excluding page numbers.

(d) Length. Briefs shall not exceed 35 pages in length, excluding cover pages, Table of Contents, Table of Authorities, and Appendices. Arguments and substantive material included in the Appendix that should be included in the Argument section of the brief will be counted toward the page limit.

3.2 Submission of Briefs
Each team shall submit one electronic copy. The electronic copy must be in Portable Document Format (PDF) and submitted to gaimoot@gmail.com by 8:00 p.m. Eastern Standard Time on
January 20, 2015. Late briefs will receive a ten (10)-point penalty, to be deducted from the total brief score. The committee will post all briefs in a Dropbox folder that all competitors will be able to access. Participants may consult other teams’ briefs in preparation for oral arguments.

NOTE: This is a change from the confirmation letter each team received. The Committee no longer requires any hard copies to be sent. Each team must only submit one electronic copy as directed above.

3.3 Scoring of Briefs
(a) **Graders.** A panel of judges will evaluate each brief. Briefs are scored out of a maximum of 100 points and each brief will be scored at least twice.

Any person grading the briefs or judging the oral arguments will not know teams’ law school affiliation. For purposes of the briefs and oral arguments, each team will only be identified by its assigned letter. Any violation of this rule or attempt to identify a team’s law school to a brief grader or a judge may result in that team’s immediate disqualification from the Invitational.

(b) **Scores.** Each team’s brief score will constitute fifty (50) percent of the team’s score for each Preliminary Round of the Invitational. The brief score will constitute zero (0) percent for the Semi-Final Rounds and Final Rounds.

(c) **Criteria.** Briefs will be graded according to the following criteria:

1. Compliance with the formal requirements set forth in these Rules;
2. Recognition of issues presented by the problem;
3. Structure of the competitors’ arguments;
4. Application of appropriate law to facts;
5. Use of authorities;
6. Argumentative headings;
7. Legal writing style;
8. Ability to anticipate and persuade against Opponent’s arguments;
9. Proper use of citation form in accordance with the Bluebook; and

**ARTICLE 4. ORAL ARGUMENT**

4.1 Organization
(a) **Structure.** The oral argument portion of the Invitational will consist of 4 rounds: 2 Preliminary Rounds, 1 Semi-Final Round (2 consecutive arguments), and 1 Final Round. To the extent practicable, the following principles will be observed:

(1) Each team will argue on brief once and off-brief once in the Preliminary Rounds, for a total of two arguments per team during the Preliminary Rounds.

(2) No team will argue against the same team twice in the Preliminary Rounds.
(3) No team will appear before a judge known personally by any team member. In the event a team member becomes aware that a judge is known personally by that or any other team member, a Committee member is to be promptly and discretely contacted so that arrangements can be made to recuse the known judge and, if possible, reappoint a new judge. Failure to notify a Committee member of a competitor’s personal relationship with a judge prior to the start of an argument before that judge may result in disqualification.

(b) Posting of Dockets. The team pairings and courtrooms for each docket for the Preliminary Rounds will be posted at the registration/information table on the morning of the Invitational. The Committee will attempt to provide advance notice to the teams of the initial pairings.

(c) Scouting. No person affiliated with any team still participating in the Invitational may watch or listen to any oral argument other than one involving the team with which he or she is affiliated. Eliminated teams are permitted to watch advancing rounds, but are not permitted to communicate information about the rounds to teams remaining in the competition. If any person violates this rule, all teams with which that person is affiliated may be disqualified. The Committee may impose additional restrictions or penalties, as they may deem appropriate.

4.2 Procedure

(a) Oralists. Any two members of a team may participate in any round of oral argument, and two members of a team must participate in each round.

(b) Time Limits. Each team will be allotted thirty (30) minutes for its oral argument. The division of argument time between the two team members is left to the discretion of the team. The Appellant may, by informing the bailiff before the beginning of the Appellants’ oral argument, reserve up to 5 minutes of its argument time for rebuttal. Only 1 member of the Appellant team may speak in rebuttal. The amount of rebuttal time must be specified and requested to the bailiff, or else no rebuttal time will be allotted.

A bailiff will signal the speaker when five (5), three (3), and one (1) minute(s) of each speaker’s argument time remains. When the bailiff informs the speaker that his or her time has expired, the speaker must immediately end his or her presentation, or when appropriate, request additional time to briefly conclude.

(c) Order of Speaking. The order of speaking in each round of oral argument will be in the following order: Appellant 1, Appellant 2, Appellee 1, Appellee 2, Appellant rebuttal (if properly reserved). There will be no intermission or recess from the beginning of the argument until its conclusion, and the order of issues need not be the same as the order presented in the Problem.
4.3 Judging

(a) Judges. Each oral argument will be heard by a panel of judges selected by the Committee. The judges will evaluate the oral arguments independently of the briefs and without knowledge of the brief scores, and without knowledge of the schools of the competitors.

(b) Scoring. For each argument that a team competes in:

1. Each judge will give each oralist:
   (A) An oral score (from 0 to 25, with 25 being the best); and
   (B) An oral rank (from 1 to 4, with 1 being the best). No ties in rank are permitted, so each of the four oralists in a round will be ranked from 1 to 4.

2. Each oralist will receive:
   (A) An individual oral score that is equal to the average of the normalized oral scores given by the judges to that oralist; and
   (B) An individual oral rank that is equal to the sum of the oral ranks given by the judges to that oralist.

3. Each team will receive a collective team oral score that is equal to the average of the individual oral scores given by the judges to that team’s oralists.

ARTICLE 5. STRUCTURE OF THE ROUNDS

5.1 Pairing for Preliminary Rounds
In the first Preliminary Round, teams will be ranked solely on the basis of their team brief scores. The highest ranked teams will be paired against the lowest ranked teams. For example, the appellant team with the highest team brief score will be paired against the appellee team with the lowest team brief score, and so on.

In the second Preliminary Round, teams will again be ranked solely on the basis of their team brief scores. The highest ranked teams will be paired against each other. For example, the appellant team with the highest team brief score will be paired against the appellee team with the highest team brief score, and so on.

5.2 Advancement to Semi-Final and Final Rounds
(a) Eligibility. Each team must compete in both Preliminary Rounds in order to be eligible to advance to the Semi-Final Round. The top four (4) teams based on composite preliminary round score will advance to the Semi-Final Round. Each team that advances to the Semi-Final Round will argue once, making two total Semi-Final Round arguments. Both arguments for the Semi-Final Round will be conducted before the same panel of judges. At the conclusion of the second Semi-Final Round argument, the judges will select the
two best teams to advance to the Final Round. The judges may select two teams from the same Semi-Final round if they determine those were the two best teams.

(b) **Pairing during Semi-Final and Final Rounds.** For the Semi-Final Rounds, the team with the highest composite team score from the Preliminary Rounds will be paired against the team with the lowest composite team score, and so on. There is a possibility that teams advancing to the Semi-Final and Final Rounds will be required to argue off-brief. The team with the higher preliminary round score will argue on-brief. Judges are not informed as to whether a team is arguing on brief or off brief.

(c) **Ties.** In the event of a tied team composite score, the tie between the teams having the same team composite score will be broken as follows:
   1. The team with the best team oral scores will advance.
   2. If the teams remain tied, then the team with the best team brief score will advance.
   3. If the teams remain tied, the tie will be broken by coin toss.

No ties are permitted for oral arguments. The panel of judges, in conjunction with the Committee Co-Chairs, will determine the winner if necessary.

**ARTICLE 6. AWARDS**

6.1 **Best Oralist**
   (a) **Scoring.** Two Best Oralist awards will be given to the two competitors with the highest average individual oral scores from the Preliminary Rounds.

   (b) **Eligibility.** Participants must argue in both Preliminary Rounds to be eligible for consideration.

   (c) **Ties.** No ties are permitted. In the event of a tie, winners will be decided based on the judges’ rankings of the individual oralists and in conjunction with the Committee Co-Chairs, if necessary.

6.2 **Best Briefs**
   (a) **Scoring.** Two Best Brief awards will be given to the two teams with the highest average team brief scores.

   (b) **Ties.** No ties are permitted. The panel of judges, in conjunction with the Committee Co-Chairs, will determine the winners if necessary.

6.3 **Team Awards**
The following awards will be given to teams for overall excellence in the Invitational:

   First Place, awarded to the winner of the Final Round
   Second Place, awarded to the runner-up of the Final Round
6.4 Presentation of Awards
All awards will be given upon the conclusion of the Final Round on Saturday, February 21, 2015.

ARTICLE 7. PENALTIES, COMPLAINTS, AND APPEALS

7.1 Penalties
The Committee may assess such penalties, including disqualification, as it deems reasonable and appropriate in its sole discretion for failure to comply with these Rules, other Rules established by the Committee, or the spirit of the Invitational.

7.2 Faculty, Attorney, or Other Assistance
Because the purpose of this competition is educational, a team may receive limited faculty assistance in the preparation of its brief. Permissible assistance is limited to discussion of the issues with the students. No one other than a student team member may review or comment upon a draft of the brief until it is served. This rule does not permit research done by any person other than a team member. Filing of the brief constitutes certification that the team has not received impermissible assistance in preparation of the team's brief and has complied with this Rule.

After the brief is filed, the coach can work with, assist, and direct the students, critique mock preparations, arrange for the students to consult with others for assistance, and provide any other educational assistance.

7.3 Power of the Committee
The Co-Chairs of the Committee may amend these Rules as necessary in order to ensure a fair and proper Invitational. When time permits, the faculty representative designated by each school will be notified of rule changes in writing. The Co-Chairs have the power to interpret these Rules and resolve disputes as they arise.

7.4 Acceptance of Rules
The entry of a team in this Invitational constitutes an acceptance of these Rules.

7.5 Requirement of Ethical Conduct
It is expected and required that every team, team member, Committee member, Invitational judge, and all other Invitational participants will conduct themselves in accordance with the ABA Model Rules of Professional Conduct.

7.6 Complaints and Appeals
Any complaint or appeal concerning the Invitational shall be made in a timely fashion directly to either of the Co-Chairs of the Committee. Complaints and appeals do not lie as a matter of right but at the discretion of the Committee. Complaints will be resolved by the Committee or by a body designated by the Co-Chairs of the Committee.

7.7 Faculty, Attorney, or Team Leader Conduct
Any faculty member, attorney, or team leader’s conduct that violates any rule or is deemed inappropriate by the Co-Chairs of the Committee may lead to that team or those teams disqualification from the Invitational.
7.8 Committee Co-Chairs

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