Official Rules and Participation Requirements

Michigan State University College of Law Gender and Sexuality Moot Court Competition

2023
# Table of Contents

I. Introduction .................................................................................................................. 3  
II. Teams ............................................................................................................................ 3  
III. Competition Timeline .............................................................................................. 3  
   a. Registration .............................................................................................................. 3  
   b. Parties ....................................................................................................................... 3  
   c. Submitting Questions ............................................................................................ 3  
   d. Submitting Briefs .................................................................................................... 4  
   e. Team Affidavit ........................................................................................................ 4  
   f. Competition Rounds ............................................................................................... 4  
IV. Conduct of Advocates ............................................................................................... 4  
   a. Ethical and Honest Conduct .................................................................................. 4  
   b. Disqualification ...................................................................................................... 5  
V. Requirements for Briefs ............................................................................................ 5  
   a. Research and Scope ............................................................................................... 5  
   b. Structure ................................................................................................................... 5  
   c. Format and Style .................................................................................................... 6  
   d. Citations ................................................................................................................... 6  
VI. Unacceptable Briefs ................................................................................................... 6  
VII. Request for Reconsideration ................................................................................... 7  
VIII. Oral Arguments ..................................................................................................... 7  
IX. Scoring ....................................................................................................................... 7  
   a. Overview .................................................................................................................. 7  
   b. Brief Scoring Guidelines ....................................................................................... 8  
   c. Oral Arguments Scoring Guidelines ...................................................................... 8  
   d. Calculating Scores .................................................................................................. 8  
   e. Penalties ................................................................................................................... 8  
X. Awards ....................................................................................................................... 9  
   a. Award for Outstanding Brief .................................................................................. 9  
   b. Award for Outstanding Oral Advocacy ................................................................... 9  
XI. Questions and Concerns ........................................................................................... 9  
   Appendix A: Team Affidavit ....................................................................................... 10  
   Appendix B: Sample Brief Scoring Form ................................................................... 11  
   Appendix C: Sample Oral Argument Ballot ............................................................... 12  

2023 GSMCC Official Rules and Participation Requirements  Page 2 of 12
Introduction

The purpose of the Michigan State University College of Law (MSU LAW) Gender and Sexuality Moot Court Competition (GSMCC) is to provide current law students with an opportunity to gain experience in the process of appellate advocacy and to research, write, and advocate on current issues in sexuality, gender, and the law. A secondary aim of the competition is to engage judges and members of the legal community in arguments pertaining to sexuality, gender, and the law. Competitors participate in a hypothetical appeal to the United States Supreme Court. Competitors will be assigned a team number and party. They will write a brief as either Petitioner or Respondent and then argue the case in front of the mock court. Each team is responsible for reviewing these rules and the supplemental documents, submitting a competition brief, and presenting an oral argument.

I. Teams

Each team consists of two law students attending the same law school. Schools can register a team without submitting the name and contact information of the law students participating in the competition. However, the competition problem will not be released to the team until the first name, last name, and student email address has been provided for each team member. It is recommended that teams register student participants as quickly as possible to avoid delays in receiving the competition materials. Teams have up to ten (10) days after the release of the problem to submit the names of the competing students. Each team member will be required to write one argument and sign an affidavit attesting to their written work. Each team member will be required to present an oral argument to participate. Please contact the program director if you have a situation that requires a team member substitution after name submission.

II. Competition Timeline

a. Registration

Registration for the MSU LAW GSMCC will begin in November 2023 and close on January 03, 2023. The problem will be released to registered teams on January 4, 2023. Registration will be online, and payment is accepted via credit card. The registration fee for the competition is $300 per team. Registration fees are non-refundable. Law students who are candidates for a Juris Doctor degree and are enrolled during the semester or quarter of the national competition are eligible to participate. All law schools are eligible to enter up to two teams in the competition. Additional teams may be approved if space allows.

b. Parties

Teams will receive a confirmation email with their team number, party assignment, and competition problem on the day the problem is released. In the briefs and in oral arguments, advocates should refer to the appealing party as “Petitioner” and the responding party as “Respondent”, rather than appellant and appellee.

c. Submitting Questions

We will accept questions about the problem from January 4, 2023, through Friday, February 10, 2023, at 5:00pm (EST).

The questioner’s identity will remain anonymous. Please direct all questions about the problem to the Board at GSMCC@law.msu.edu and put “Question Regarding GSMCC Problem” in the subject line. Each week until Friday, February 10, 2023 a copy of the questions and any response given will be provided to all registered team members.
d. Submitting Briefs

Briefs must be submitted by e-mail only. The deadline for e-mailing all briefs is 5:00 pm (EST) on February 17, 2023. Briefs should be e-mailed to GSMCC@law.msu.edu with “GSMCC Brief – Team “X”” and your team number in the subject line.

Briefs must be e-mailed as a single document, .pdf format is preferable.

Briefs will be accepted until 8:00 pm (EST) on February 17, 2023. But briefs received after 5:00 pm (EST) will be considered late briefs and will be penalized on their score. One (1) point (out of 50) will be taken off the brief score for each fifteen (15) minutes, or part thereof, that a brief is late. You are encouraged to e-mail in your brief earlier than the deadline to avoid last-minute problems.

If you are experiencing technical difficulties in e-mailing your brief, please contact the competition Director, Heather Johnson, at Michigan State University College of Law at 734.678.6712.

Competition briefs will be shared anonymously by team letter and made available to all competitors approximately one week after they are submitted.

e. Team Affidavit

Each team must submit a team affidavit, signing and certifying that they have read and agree to comply with the GSMCC Official Rules and Participation Requirements. The Team Affidavit should be completed and submitted as a separate PDF document along with the competition brief. Please See Appendix A for the Team Affidavit form.

f. Competition Rounds

Teams will be emailed information and Zoom links for competition rounds prior to the start of Competition Rounds on March 18, 2023. The competition will begin at 9:00 am (EST).

A general Competition waiting room will be set-up and advocates and judges will be assigned to break-out rooms by the Competition organizers.

Competition Rounds will continue the following morning March 19, 2023, for teams that advance to elimination rounds.

III. Conduct of Advocates

a. Ethical and Honest Conduct

As aspiring members of the legal profession, law students are subject to standards of conduct relating to their character and fitness to engage in the practice of law. The GSMCC will always rest on the fundamental values of fair play with the expectation of ethical and honest conduct. Participants will be required to conduct themselves according to the competition rules and show integrity, honesty, truthfulness, and unconditional respect for opposing advocates, judges, and tournament officials during every stage of the competition process.

Teams and individual advocates cannot receive substantive advice regarding the competition problem. Do not consult with attorneys, professors, judges, or others trained in law to assess your arguments prior to submitting your brief. Advocates are encouraged to discuss the problem with
teammates and other participants. Once the team has submitted their competition brief, they are able to engage in practice arguments prior to the competition.

Advocates should use the Twenty-First Edition of the Bluebook to cite the cases for the competition brief. Please note it is unethical to solicit advice regarding proper citation.

Advocates will produce an original written work. While some similarities with other participant’s briefs can be expected, briefs that have unusually high similarity to another or to a published work will be subject to scrutiny and possible disqualification. Advocates are encouraged to keep drafts of your brief as it develops and to take detailed research and meetings notes that may be used to document the development of your original ideas.

All participants agree to be bound by their law school honor codes with respect to their conduct during the competition. All advocates are expected to conduct themselves in a professional manner. Dress as you would for an actual appearance in a court of law.

b. Disqualification

Participants can be disqualified for unethical conduct. Examples of unethical conduct include plagiarism, foul play, misrepresentation of your work or the work of others, the use of any automated or electronic Bluebooking aids, consultation with legal professionals about your written argument prior to brief submission, and any behavior that would disadvantage or penalize other participants. The GSMCC program director can disqualify any participant for conduct deemed unethical.

IV. Requirements for Briefs

a. Research and Scope

Advocates have an open universe in which to research legal issues. All facts and legislative history required for your analysis are included in the materials.

Advocates should not address the issues of standing, mootness, or ripeness, whether or not discussed in the material. Only address the issues presented by the problem.

b. Structure

The brief shall be the product of both advocates. Each advocate is responsible for writing a minimum of six (6) pages of argument. Any advocate who fails to write at least the minimum number of pages will be disqualified and will not be allowed to participate in oral arguments. The entire brief MAY NOT EXCEED thirty-two (32) pages of text. For every page exceeding thirty-two, two (2) points from the brief score will be deducted. Each brief should include the eleven sections listed below in the order presented. Only the sections below that are marked with an asterisk (*) will be included in the text page count:

1. Title Page (which should contain the following information)
   • Names and phone number of each advocate
   • Team Number, including which side - Petitioner or Respondent (assigned when problem is released)
   • Identification of which issue each advocate addressed
     Example:
     Issue #1 (Sex Discrimination): Jay Roe (999) 888-777
     Issue #2 (Free Speech): Jordan Doe (111) 222-3333

2. Table of Contents
3. Table of Authorities
4. Questions Presented*
5. Opinion Below* (joint section)
6. Constitutional Rules and Provisions*
7. Introduction (Summary of Argument) *
8. Statement of the Case (Summary of the Facts) *
9. Argument*
10. Conclusion*
11. Signature block

The following signature block should appear at the end of the briefs. Because it is not included in the page count, it is acceptable if the signature block appears alone on a separate page:

Respectfully submitted,

/s/ ____________________________
Partner 1

/s/ ____________________________
Partner 2

/s/ ____________________________
Partner 3 (optional)
Attorneys for Petitioner/Respondent

c. Format and Style

Briefs must be formatted to 8 ½” x 11” standard pages with exact 1” margins on all sides (not justified). New Courier font and the type size must be 12-point. All text and footnotes must be double-spaced, except for the point headings and quotations that exceed fifty (50) words, which may be single spaced according to the bluebook. This applies to all components of the brief, including the page numbers and the sections that do not count toward the page limit. The Title Page should not be numbered. Numbering should start with lowercase roman numeral “ii” on the page that appears after your title page. Please use Arabic numerals starting with “1” for the sections that count toward the page count total starting with the “Question Presented” section.

d. Citations

Advocates must follow the BLUEBOOK (the Uniform Rules of Citation, 21st ed.) for all citations in their briefs.

BRIEFS MUST CITE TO THE “DECISION ON APPEAL” WHERE APPROPRIATE.

V. Unacceptable Briefs

If a team brief or portion of one brief is found unacceptable, it will be disqualified. Unacceptable briefs are those of extremely inadequate quality that could not be presented in good conscience to attorneys, judges, and legal professionals and participate in the competition. If a brief is deemed unacceptable, the brief will be disqualified, and the team will not receive a score for that brief. Once a team is notified that their brief is unacceptable, the team can withdraw from the competition (no refund will be provided), or they can resubmit an acceptable brief within 24 hours. The participant will receive
zero (0) points for their brief but will be allowed to participate in oral arguments and will be eligible to score full points in the oral argument portion of the competition.

VI. Request for Reconsideration

A request for reconsideration of any determination by the GSMCC Program Director regarding unethical conduct or disqualification may be requested once as a matter of right. All such requests must be in writing to the GSMCC Program Director. Written requests will be reviewed within two business days and a final determination will be made in consultation with the Michigan State University College of Law Moot Court Program.

VII. Oral Arguments

Oral arguments are limited to a total of thirty (30) minutes per side, fifteen (15) minutes per issue. A maximum of (5) minutes may be reserved by the petitioners for rebuttal, during which time one or both of the petitioners may present. No time may be reserved for rebuttal by respondents.

All teams will argue three preliminary rounds. At least one preliminary round will be on-brief, and one preliminary round will be argued off-brief. In the event that an unequal number of Petitioner and Respondent Teams have advanced to the quarterfinal, semifinal, or final round or two petitioners or two respondents must argue against each other then the teams to argue on-brief will be determined by a coin toss.

The 2023 GSMCC will be held virtually. An email will be sent to each advocate and team contact prior to the first day of competition to provide Zoom link information and mandatory check-in times for all rounds. All advocates, bailiffs, coaches, and advisors should have a Zoom account and should download the most recent version of the Zoom application to their device. Advocates will be asked to display their Last Name (Roe) speaking position (Pet/Resp 1/2), Team number (Team 10). If Jordan Roe is arguing for the Respondent on the second issue for Team 10, their Zoom Name would appear as “Roe, Resp.2 Team10.” All participants should use a device that enables them to participate by video as well as audio. Participants should keep a phone available to use as a backup if connection issues arise. Virtual backgrounds may not be used. Nothing in a room used for argument may identify a team member’s school or geographical location. Advocates may sit or stand during their argument. Advocates may use a headset or a microphone. No argument may be recorded or otherwise preserved in any manner. Advocates may be physically present in the same room, using the same computer. No one else, including coaches, advisors, or other team members may be physically present in the same room. Team members may also elect to participate from separate locations using separate computers. Team members arguing from separate locations must mute themselves when not arguing but must leave on cameras/video and remain visible to judges. No one else may be physically present in the room from which an advocate is arguing during a round.

VIII. Scoring

a. Overview

Each team is scored on its brief and oral performance in each round. Individual advocate scores are based on their oral advocacy scores from each round. Team scores will be calculated based on the brief and preliminary rounds to determine advancement in the competition. Scores will be weighted ¼
brief writing, and ¾ oral performance. Only oral argument performance will determine advancement past the quarterfinal round.

b. Brief Scoring Guidelines

Each brief will be evaluated and scored based on a one hundred (100) point Scale. Please see Appendix B: Sample Brief Scoring Form. Grading will be anonymous, with each brief only identified by its team number. Points are awarded for all brief components, with the bulk of points being awarded for the persuasiveness and structure of the argument and the analysis and appropriate use of authority.

c. Oral Arguments Scoring Guidelines

Each advocate will be evaluated by a panel of judges. Each judge will evaluate an advocate upon a 100-point scale, considering the substantive content of argument (20-40 points), knowledge of the record (10-20), extemporaneous ability (10-20), and courtroom demeanor and professionalism (10-20 points). The oral argument rubric used has been adopted from the American Bar Association National Appellate Advocacy Competition rubric. Please see Appendix C for a Sample Oral Argument Ballot.

d. Calculating Scores

Competition Briefs will be scored by attorney’s, judges, and Michigan State University College of Law professors with expertise in the field of sexuality, gender, and law. Each brief will be scored by five readers. The high and low score will be dropped, and the three remaining scores will be averaged to receive the final team brief score.

For each round, advocates will be scored by a panel of judges using electronic score sheets. The electronic score sheets allow the quick and efficient calculation of advocate performance scores. The electronic score sheets also do not allow the judges to submit the score sheet unless it is complete, every score value has been entered, and the advocates have not achieved a score that would result in a tie. The goal is to have each preliminary round judged by three (3) judges. If oral performance scores are given by only two (2) judges, the scores will be combined and averaged for a third score.

To determine which teams advance to the quarterfinal round, the GSMCC will calculate a total score for each team after the three preliminary rounds. This score will be weighted ¼ brief score and ¾ oral argument performance score.

e. Penalties

Penalties will be deducted from each team’s composite brief scored for rule violations.

- **Late Brief** (1 point deduction for every 15 minutes, or part thereof that a brief is submitted late by email according to the electronic timestamp up to 12 points)
- **Page Limit Violation** (2-point penalty for the first and each subsequent page (or partial page) that exceeds the page limit)
- **1” Margin Violation** (5-point penalty)
- **12-point Font Size Requirement** (5-point penalty)
- **Courier New Font Requirement** (5-point penalty)
- **Failure to Submit the Team Affidavit** (5-point penalty)
- **Briefing the wrong party** (writing the brief for the non-assigned party) (5-point penalty)
Maximum penalty for any combination of violations will be thirty (30) points

IX. Awards

a. Award for Outstanding Brief
The top three teams that write the best overall brief will receive recognition.

b. Award for Outstanding Oral Advocacy
The top three oralists will receive recognition.

X. Questions and Concerns

Students may contact the GSMCC with any questions or concerns via email. Questions will be answered as time permits. However, all questions regarding these Rules or substantive questions about the problem should be submitted IN WRITING. Only written responses to written inquiries will be binding.

Any questions or inquiries about the competition should be directed to the program director via e-mail. To the extent a question or inquiry affects other advocates, a copy of each written question and answer will be posted (anonymously) online to all participants.

Questions or inquiries about the Rules and Scoring may be addressed to: GSMCC@law.msu.edu
Appendix A: Team Affidavit

Michigan State University College of Law
Gender and Sexuality Moot Court Competition

Team Affidavit

Date: _____________

Team #: _______________

1. We affirm that each team member has read, understood, complied with, and accepts the conditions of the Official Rules and Participation Requirements of the Michigan State University College of Law Gender and Sexuality Moot Court Competition.

2. We certify that we have not consulted with attorneys, professors, judges, or others trained in law or received any assistance in connection with the preparation of the team brief.

3. We certify that the brief submitted for our team is the original product solely of the undersigned.

Team Member Issue #1

______________________________ Printed Name
______________________________ Signature

Team Member Issue #2

______________________________ Printed Name
______________________________ Signature
Appendix B: Sample Brief Scoring Form

### Team Number:  
Judge's Name:

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<th>Given</th>
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<tr>
<td>2. Table of Contents</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>3. Table of Authorities</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>4. Questions Presented</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>5. Opinion Below</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>6. Constitutional Rules and Provisions</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>7. Introduction (Summary of Argument)</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>8. Statement of the Case (Summary of the Facts)</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>9. Argument</td>
<td>50</td>
<td>(~10)</td>
</tr>
<tr>
<td>• Persuasiveness of Headings and Text</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Argument Structure</td>
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<td></td>
</tr>
<tr>
<td>• Analysis and Appropriate Use of Authority</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Conclusion</td>
<td>2</td>
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</tr>
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<td>11. Grammar and Punctuation</td>
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</tr>
<tr>
<td>12. Citation</td>
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**Brief Score:** 100

**NOTES:**

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<td>-12</td>
</tr>
<tr>
<td>Page Limit Violation (2-point penalty for the first and each subsequent page (or partial page) that exceeds the page limit)</td>
<td></td>
<td>-2 x #</td>
</tr>
<tr>
<td>1” Margin Requirement</td>
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<tr>
<td>12-point Font Size Requirement</td>
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<td>-5</td>
</tr>
<tr>
<td>Courier New Font Requirement</td>
<td></td>
<td>-5</td>
</tr>
<tr>
<td>Team Affidavit (Failure to turn in Team Affidavit)</td>
<td></td>
<td>-5</td>
</tr>
<tr>
<td>Briefing the wrong party (writing the brief for the wrong side)</td>
<td></td>
<td>-5</td>
</tr>
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</table>

**Total Deductions**  
(Maximum penalty for any combination of violations: 30 points)

-30*

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<th>Points</th>
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</thead>
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<tr>
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<tr>
<td>Total Deductions</td>
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<tr>
<td><strong>FINAL SCORE</strong></td>
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</table>
Appendix C: Sample Oral Argument Ballot

Thank you for judging the competition. Here's how to complete your ballot:
1. Fill in your name.
2. The names and team letters of the advocates have been completed in advance. Before the arguments begin, confirm that this information is correct.
3. After the round, enter scores for each advocate in the appropriate column.
4. When you’re done scoring, click the submit button.

Petitioner Team:  
Judge’s Name  
Respondent Team:  

<table>
<thead>
<tr>
<th>Issue #1</th>
<th>Issue #2</th>
<th>Round:</th>
<th>Issue #1</th>
<th>Issue #2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Substantive Content of Argument

- Poor 20-23
- Marginal 24-26
- Average 27-31
- Good 32-35
- Excellent 38-38
- Superior 39-40

Knowledge of the Record
Knowledge of the content of the record: familiarity with authorities, facts, issues, and arguments addressed by the lower courts.

- Poor 10-11
- Marginal 12-13
- Average 14-15
- Good 16-17
- Excellent 18-19
- Superior 20

Extemporaneous Ability
Ability to answer questions, to think on feet, and to resume argument after interruption.

- Poor 10-11
- Marginal 12-13
- Average 14-15
- Good 16-17
- Excellent 18-19
- Superior 20

Courtroom Demeanor and Professionalism
Proper deference to judges and counsel. Appellate courtroom etiquette. Use of speaking voice, poise, gestures, mannerisms.

- Poor 10-11
- Marginal 12-13
- Average 14-15
- Good 16-17
- Excellent 18-19
- Superior 20

Submit Scores

*Please note that this ballot is based on the American Bar Association National Appellate Advocacy Competition and has been adapted for online use in the GSMCC competition by Kent Streseman, Associate Clinical Professor of Law at the Santa Clara University School of Law and Member of the American Bar Association Student Competitions Committee and National Appellate Advocacy Subcommittee.