

**FIFTY-THIRD ANNUAL WILLIAM B. SPONG, JR.
MOOT COURT TOURNAMENT
WILLIAM & MARY LAW SCHOOL
FEBRUARY 23-24, 2024**

TOURNAMENT RULES

Each year, the William & Mary Law School Moot Court Board (“the Board”) hosts the William B. Spong, Jr. Moot Court Tournament (“the Tournament”) in honor of the late William B. Spong, Jr., former Virginia Delegate and Senator, U.S. Senator, and Dean of William & Mary Law School. We are delighted that you have chosen to compete.

The Board prepares and distributes the competition problem (“the Problem”). By entering the Tournament, each participating school agrees not to make any use of the Problem except in connection with the Tournament. Written consent must be obtained from the Board for use of the Problem in connection with an inter- or intra-school competition, advocacy course, or any other program unrelated to the Tournament. The Problem may not be used to select a participating school’s team members for the Tournament. Briefs submitted to the Tournament become the property of the Board and will not be returned.

The persons and events depicted in the Problem are purely fictional and were prepared solely for the educational exercise of this Tournament. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

CERTIFICATION

By submitting a brief in the competition, each team member certifies that such brief has been prepared in accordance with the Rules and that the brief represents the work product of only registered members of the team. A written statement to this effect, electronically signed by the participants, must be included as a separate attachment when the brief is submitted to the Board. *See* Appendix III of the Rules for the certification form.

RECORDING & BROADCASTING POLICY

No video or audio recording of argument rounds by teams or spectators is permitted. The Championship Round and other rounds may be videotaped, photographed, or otherwise recorded by William & Mary Law School. A student's decision to enter and participate in the competition constitutes consent to videotaping, photography, or other recording. Videos, photographs, and audio recordings may be posted to the William & Mary Law School website, streamed to the public live, used in print publications, and otherwise distributed by the school.

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BOARD

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spong@wm.edu

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Spong Associate

Lauren Daffenberg '25
Spong Teams Assistant

Lauren Miller '25
Spong Judges Assistant

James Hays '24
Spong Logistics Assistant

Audrey Coffey '25
Spong Banquet Assistant

Part I. Teams

A. Number of Teams

1. Each participating school may enter one or two teams, each comprised of two or three students.

B. Composition of Team

1. No team member may hold a law degree.
2. Team members must be registered in at least six credit hours in a Juris Doctor program in the law school that they represent and must also be in good standing.
3. A team comprised of three members may designate brief writing tasks as desired.
4. Each team must have two competitors present for each oral argument round.
5. All competitors who wish to participate in oral arguments must argue during one of the two preliminary rounds. Failure to argue during the preliminary rounds forfeits the competitor's ability to argue in further rounds. In the event of an emergency or extreme hardship, the Board reserves the right to permit a team to substitute the third member, already on the team, to argue despite their absence in the preliminary rounds.
6. The name of the school and the names of team members must appear on the certification form that shall accompany the brief. Only those individuals whose names appear on the certification form will be considered registered team members.

C. Substitution of Team Members

1. If a substitution is necessary after the brief is submitted, the name of the new member shall be forwarded to the Spong Teams Assistant, Lauren Daffenberg, at spong@wm.edu, as soon as possible, but not later than five business days before the first day of the Tournament.
2. The team must submit, for acceptance by the Board, a statement of reasons of extreme hardship for the substitution. If time constraints do not permit advance notice, the name of the new team member and the reasons for substitution must be provided by check-in on Friday, February 23, 2024.

3. All determinations of extreme hardship will be made by the Spong Justice in consultation with the moot court advisor.
4. There will be no substitution of team members allowed after commencement of the first oral argument.

Part II. Briefs

A. Assignment of Side

1. Each team will serve as counsel for either Petitioner or Respondent for purposes of preparing the brief. The Spong Teams Assistant will assign the team its role after processing the team's entry form. Teams must prepare the brief for their assigned side.
2. Where a law school has entered two teams, the teams are assigned to brief opposing sides.

B. Length and Form

1. Briefs shall be a maximum of forty pages, excluding the Cover Sheet, Questions Presented, Table of Contents, Table of Authorities, and any Appendices.
2. Briefs shall be typed and double-spaced. All briefs must be submitted in Times New Roman, 12-point font. Any footnotes shall be in Times New Roman, 12-point font and single-spaced. All margins shall be set at one inch. Any partially filled page shall be counted as a full page.
3. Any violation of these rules will result in a penalty. *See* Part II(J): Penalties.

C. Brief Components

1. The brief shall contain the following components: Cover, Table of Contents, Table of Authorities, Questions Presented, Opinions Below, Constitutional Provisions and Statutes Involved, Statement of the Case, Summary of the Argument, Argument, and Conclusion. Do not include a jurisdictional statement or list of the parties. Appendices may only be used to report the content of statutes, constitutions, and regulations not generally available.

2. Briefs shall follow, in all aspects, the format prescribed for briefs by the Rules of the United States Supreme Court, except as otherwise expressly specified by these Rules.

D. Cover Sheets and Indices of Authorship

1. Petitioner's brief shall have a blue cover and Respondent's brief shall have a red cover. Each team will be assigned a competition number by the Spong Teams Assistant. This number should appear on the cover of the brief.
2. Briefs shall not be signed and no subject matter serving to identify a team or its members shall appear anywhere on the cover or within the brief itself. *See* Part II(J): Penalties.

E. Format

All citations shall comply with the rules prescribed in *The Bluebook: A Uniform System of Citation* (21st ed. 2020).

F. Service of Briefs

1. Each team must serve via email an electronic copy of its brief to the Board in both Adobe Acrobat .pdf and Microsoft Word .doc or .docx formats at spong@wm.edu.
2. **Briefs must be electronically served to the Board by 11:59 PM (EST) on Friday, February 2, 2024.**
3. Prior to the deadline, a team that has filed its brief may refile so long as the subject of the email indicates a resubmission, and the team understands that the latest brief filed prior to the deadline will be the brief that is scored.
4. Any late filing will result in a penalty against the brief. *See* Part II(J) Penalties. If a team submits its brief after the deadline, its first submission following the deadline constitutes its final submission and substitutions will not be allowed.
5. Any brief filed after 12:00 p.m. on Monday, February 5, will receive zero points. Teams that file their briefs after February 5, 2024 may still compete at oral argument.
6. Posting of Briefs – All briefs will be posted by **Monday, February 5, 2024**, on the Spong Tournament website: <https://law.wm.edu/studentlife/studentorganizations/spong/>.

G. Brief Scoring

1. Brief Graders: Each registered team shall select one faculty member, adjunct faculty member, or practicing lawyer to serve as a brief grader. Each team must provide the Spong Teams Assistant with the name and contact information of their designated brief grader at spong@wm.edu.
 - A. Persons directly associated with the school's competing team(s) are not eligible to serve as graders. However, the moot court advisor for the school may serve as a brief grader so long as the advisor certifies that they will have no contact related to this competition with the competing members of the team(s) or the coaches for the team(s). That means no discussion, no mooting, and no coaching.
 - B. Each grader shall score the briefs for five teams.
 - C. **Brief graders will receive briefs by noon on Monday, February 5, 2024 and scores are due by 11:59 PM (EST) on Monday, February 19, 2024.**
 - D. If a school sending more than one team selects only one brief grader, the Board will assign ten (10) briefs to that brief grader.
 - E. Brief graders shall not be assigned to score a brief submitted by a team from their law school.
 - F. **Failure to name a brief grader by 11:59 PM on Monday, January 15, 2024, or failure of the brief grader to submit grades on time will result in penalties being assessed against the team's brief score. See Part II(J): Penalties.**
2. Blind Grading
 - A. To ensure impartiality, each brief will be "blind graded" by graders provided by each participating school. As specified in Part II(D)(2), nothing on the brief may identify the law school submitting the brief or the team members who wrote the brief.
 - B. Scoring of the briefs shall be within the discretion of the individual grader, as guided by the Brief Score Sheet (attached as Appendix I to these Rules).

- C. The Board reserves the right to employ faculty members, adjunct faculty members, or practicing lawyers as brief graders if the need arises.

H. Outside or Other Assistance

1. No team shall receive any assistance of any kind from any faculty member or other person prior to the filing of its brief, including any assistance from, or sharing or comparison of research or work product with, members of a competing team from the same or different school. Submission of a brief represents a certification by the participating team that its brief is the work product of only the registered team members. Teams may not use generative artificial intelligence (AI) programs, including but not limited to ChatGPT or AI embedded in other programs such as Microsoft Word, Westlaw, or Lexis.
2. This rule shall not be construed to prohibit the use of computerized researching or word processing software (including automated cite-checking or spell-checking systems).
3. After filing the brief, a team may have limited assistance in preparing for oral argument including the judging of mock arguments by faculty or others. During these mock arguments, teams may receive critiques of style and may engage in general discussions of the substantive issues. Such critiques and discussions may not be designed to script the oral arguments. Teams from the same school may practice together.

I. Plagiarism

1. Definitions

- A. Plagiarism occurs when a student, with intent to deceive or with reckless disregard for proper scholarly procedures, presents any information, ideas, or phrasing of another as if such words were their own and does not give appropriate credit to the original source.
- B. “Intent to Deceive” occurs when someone purposefully misleads by a false appearance or statement, to present information, ideas, or phrasing of another as if they were his or her own and does not give appropriate credit to the original source.
- C. “Reckless Disregard for Proper Scholarly Procedure” occurs when a significant amount of improperly attributed material is presented as if it were the student’s own work.

- D. “Proper Scholarly Procedures” require that all quoted material be identified by quotation marks, or indentation on the page, and the source of information and ideas, if from another, must be identified and attributed to that source.

2. Review

Questions of plagiarism will be referred to a review committee, headed by Spong Justice to decide whether plagiarism has occurred under Part II(I)(1)(A). Any team under review will be notified of both the existence of a review and its results.

3. Sanctions

Teams found in violation of plagiarism under Part II(I)(1)(A) will be sanctioned with disqualification. Any team found in violation of plagiarism under Part II(I)(1)(A) will be notified of its disqualification. A team’s disqualification is final and irrevocable.

J. Penalties

The Board may assess such penalties, including disqualification, as it deems reasonable and appropriate for failure to comply with the Rules.

Specific penalties which shall be assessed include:

1. Ten (10) points for briefing the wrong argument side.
2. Ten (10) points per calendar day for late or improper service of brief. Briefs submitted after February 5, 2024 will not be scored and will receive a score of zero.
3. Ten (10) points for brief grader failing to grade on time.
4. An additional ten (10) points for failing to provide brief grades within 24 hours of deadline.
5. Ten (10) points for failure to provide the name(s) and contact information for brief grader on time.
6. Six (6) points for failure to use correct line spacing for text and footnotes.
7. Five (5) points for using improper font.
8. Three (3) points per occurrence for improper indication of school or authorship.
9. Three (3) points for failure to submit a Team Certification form with a copy of the team’s brief.
10. Two (2) points per page, or portion thereof, beyond the forty-page limit (and any such pages will not be read).
11. One (1) point for each page containing a violation of either the vertical or horizontal margin limitations. Teams may be penalized for multiple violations on any single page.

12. The Board reserves the power to impose any reasonable penalty, including disqualification, for violations of any rules for which a specific penalty is not stated above.

Part III. Arguments

A. Location of Arguments

Oral arguments will be conducted at

William & Mary Law School
613 South Henry Street
Williamsburg, Virginia 23185

The two Preliminary Rounds and the Round of Thirty-Two will be held on Friday, February 23, 2024. The Octofinal, Quarterfinal, Semifinal, and Final Rounds will be held on Saturday, February 24, 2024. Room assignments for the preliminary rounds will be announced at the team registration and meeting on Friday morning. Times and room assignments for the later arguments will be made available when the advancing teams are announced. A schedule of events for the weekend will be available to teams prior to the Tournament.

B. Length and Structure of Arguments

Each team shall argue two (2) preliminary rounds (once for each side).

1. Each team is limited to thirty (30) minutes in which to present its oral argument.
2. The division of allotted time may be made at the discretion of the team, with the exception that no team member may speak for fewer than ten (10) minutes. Arguing team members must be prepared to answer questions from the Judging Panel on all issues.
3. Petitioners may reserve up to five (5) minutes of rebuttal time by so requesting from the Judging Panel at the commencement of Petitioner's arguments. Only one (1) team member may argue on rebuttal. Time reserved for rebuttal will be counted as part of the thirty (30) minutes allotted for the argument. The Judging Panel may allow for additional time at its discretion.
4. The bailiff will signal to each speaker when ten (10), five (5), three (3), and one (1) minute(s) of each speaker's argument time remains. When the bailiff signals that time has expired, the speaker shall immediately conclude his/her argument, unless given additional time at the discretion of the Judging Panel. Competitors will inform the bailiffs before the round how much time they are choosing to reserve for rebuttal.

5. Two (2) team members will argue in each round. Each team shall argue as Petitioner and Respondent during the Tournament. Only the arguing members of the team are permitted to be seated at counsel's table during oral argument.
6. A team member must argue in both preliminary rounds to be considered for the best oralist award.
7. Coaches are not permitted to sit at counsel's table or communicate with the team members during oral arguments.

C. Attending Other Arguments

1. Coaches are permitted to view the arguments of the teams competing for their school. Whether additional guests are permitted to audit each argument is at the discretion of the two teams and must be agreed upon prior to the arrival of the Judging Panel. Once the Judging Panel enters the room, competitors and others should avoid entering or exiting the room until the completion of the round.
2. With the single exception of the Final Round, as long as your team is in the competition, competing team members, coaches or faculty advisors may not attend any argument in which their team is not arguing. Such individuals may only attend the arguments of their own team.
3. Once a team is eliminated, they may observe other rounds with permission of the competing teams.
4. If more than one team from a school is competing, those teams are prohibited from discussing their rounds with each other while both teams are still competing. If a school sending two teams is represented by one faculty advisor or coach, that advisor or coach may attend the oral arguments of both teams. The advisor or coach is prohibited from discussing with one team any information gleaned from watching a round with another team. If the teams are arguing simultaneously the advisor or coach may only observe one of the arguments and may not move between rooms during the course of the round.

D. Team Designation

1. Each team will be assigned a competition number that will serve as its identifying designation throughout the Tournament. Individual team members may use their real names, but may only use the competition number to identify the team for the Judging Panel (i.e. John Smith of Team [number] X, representing the Petitioner OR Team #X, representing the Petitioner).

2. All teams are prohibited from identifying their school affiliation to members of the Judging Panel during any round of oral argument. Teams may be penalized up to ten (10) points for identifying their school affiliation to their Judging Panel during any round of oral arguments.
3. Team members must identify themselves before beginning their respective oral argument.

E. Scoring

1. Scoring of oral arguments shall be within the discretion of the individual members of the Judging Panel as guided by the Oral Argument Score Sheet (attached).
2. The scores of each round will be weighted as follows:

	Brief	Oral Argument
Preliminary Rounds	40%	60%
Round of Thirty-Two	30%	70%
Octofinal Round	30%	70%
Quarterfinal Round	20%	80%
Semifinal Round	10%	90%
Final Round	0%	100%

F. Pairings of Teams, Assignment of Sides, and Assignment of Judges

1. Each team will argue in two preliminary rounds. In the preliminary rounds, pairings will be determined by brief scores. Teams in the top half of the brief scores will be randomly paired against teams in the bottom half of the brief scores. Sides (i.e., Petitioner or Respondent) in the first two preliminary rounds will be assigned randomly, and each team will argue once as Petitioner and once as Respondent (once on brief and once off brief).
2. The pairings of the second preliminary round will require each team to argue the side opposite of that argued in the first preliminary round.
3. If there is an uneven number of teams competing in the preliminary rounds, two teams will be randomly selected. The first selected team will receive a bye in the first preliminary round, and the second selected team will receive a bye in the second preliminary round. The two bye teams will argue against each other in a supplemental “bye round.”

4. Round of Thirty-Two, Octofinal, Quarterfinal, Semifinal, and Final round team assignments will be made through a coin toss procedure in which the higher ranked team calls a side of a coin in a coin toss. The winner of the coin toss decides which side their team will argue.
5. Teams from the same school will not face each other in the preliminary rounds but may face each other in the advancement rounds. If a team finds that it is facing a team from its own school in a preliminary round, that team should immediately notify the bailiff.
6. The Board will make every effort to ensure that no team argues before the same judge(s) in back-to-back preliminary rounds, but teams are not guaranteed new judges for each preliminary round. If any team finds that it is arguing before a judge it had in a previous preliminary round, that team should immediately notify the bailiff.

G. Advancement to Round of Thirty-Two

1. The thirty-two (32) teams with the best win-loss record and point differential (see below) will advance to the Round of Thirty-Two following the two preliminary rounds.
2. Seeding will be determined and any ties in the win-loss record will be resolved in the following order:
 - i (1) Aggregate point differential from the preliminary rounds (calculated by subtracting the losing team's point total from the winning team's point total for the round); then
 - ii (2) Oral argument scores from the preliminary rounds; then
 - iii (3) Coin toss.

H. Advancement to Later Rounds

1. The thirty-two (32) teams advancing will be seeded (1 v. 32, 2 v. 31, 3 v. 30, 4 v. 29, etc.) and brackets created. The teams will not be informed of their rank. The Round of Thirty-Two, Octofinal, Quarterfinal, and Semifinal Rounds will be direct elimination after calculation of brief and oral argument scores for that round only. The brackets will not be broken.
2. The winner of the Final Round will be determined by majority vote by those on the Final Round Judging Panel.

Part IV. Awards

- A. The awards include the Champion Team, the Runner-up Team, the Tournament's Best Oralist (based on the preliminary rounds), and the Tournament's Best Petitioner's and Best Respondent's Briefs.

- B. Best Briefs are determined by combining substantive scores from the brief graders, Bluebook deductions, and technical deductions on the team's brief. The team that receives the highest combined score wins the award. Two Best Brief awards are presented – one for Best Petitioner's Brief and one for Best Respondent's Brief.
- C. The Best Oralist is awarded to the oralist who achieves the highest oral argument score in the two preliminary rounds. Only competitors who argue in both preliminary rounds will be eligible for the Best Oralist Award.

Part V. Interpretation of Rules

A. Requests for Interpretation

1. Requests for interpretations of the Rules must be submitted in writing at the earliest date possible and will be answered as promptly as possible. All inquiries should be addressed by email to spong@wm.edu.
2. Any major clarification of the rules shall be sent to all participating schools by email and posted on the William & Mary Moot Court Spong Tournament website: <http://law.wm.edu/studentlife/studentorganizations/spong/index.php>. The Spong Justice will determine whether a Rules clarification is a major one.
3. All such interpretations and any decisions, penalties, or other actions will be made by the Spong Justice. All such determinations shall be final and binding on all participants.
4. The Spong Justice reserves the right to make any further rules and procedures deemed advisable for the conduct of the Tournament and shall promptly notify all registered teams of any such changes. The Spong Justice reserves the right to modify, in whole or in part, any rules, grading forms, and guidelines.
5. The sample score sheets provided in the Appendices are included for illustrative purposes.

B. Questions or Clarifications Concerning the Problem

1. Any participating team with a question concerning any portion of the Problem should submit its question(s), in writing, to the Spong Teams Assistant at spong@wm.edu by Monday, January 15, 2024.
2. Any major clarification of the Problem will be transmitted to all teams and posted on the William & Mary Moot Court Spong Tournament

website:

<http://law.wm.edu/studentlife/studentorganizations/spong/index.php>.

The Spong Justice will determine whether a Problem clarification is a major one.

C. Disputes

1. Any disputes concerning the Rules or otherwise related to the course of the tournament will be referred to the Spong Justice.
2. Any disputes that arise that are not specifically covered by these rules will also be resolved at the discretion of the Spong Justice. Teams will be notified of the decision after it has been made.
3. No appeals will be entertained, as *all* decisions are *final*.

SAMPLE SCORE SHEET
WILLIAM B. SPONG, JR.
MOOT COURT TOURNAMENT
WILLIAM & MARY LAW SCHOOL

BRIEF SCORE SHEET

Brief Grader: _____

School: _____

Brief Number: _____

<u>Criteria</u>	<u>Maximum Score</u>	<u>Score Awarded</u>
1. FORM Proper use of bluebook citation, typeface, conventions, etc.	OMIT*	OMIT*
2. WRITING STYLE Spelling, grammar, punctuation, sentence structure and paragraph structure, clarity, power, and precision of expression	20	_____
3. SUBSTANTIVE COMPONENT		
a) Analysis of the law and application of the law to the facts of the problem.	30	_____
b) Thoroughness of research	15	_____
c) Organization of argument(s)	15	_____
d) Quality of the statement of the case, summary of the argument(s), and other sections	10	_____
TOTAL	90	_____

*Form to be graded by the William & Mary Moot Court Board.

SAMPLE SCORE SHEET
WILLIAM B. SPONG, JR.
MOOT COURT TOURNAMENT
WILLIAM & MARY LAW SCHOOL
FEBRUARY 23-24, 2024

ORAL ARGUMENT SCORE SHEET

Room: _____

Team: _____

Round: _____

Judge: _____

Criteria	<u>Maximum Score</u>	<u>Speaker 1</u>	<u>Speaker 2</u>
<u>Opening and Closing:</u>			
How well did counsel state the issue raised, summarize, and conclude?	10	_____	_____
<u>Knowledge of Briefs and Record:</u>			
Knowledge and reference to the record.	10	_____	_____
<u>Knowledge of Authority</u>			
Use of appropriate authority.	10	_____	_____
<u>Substantive Content of Argument:</u>			
Knowledge of issues, and arguments raised.	10	_____	_____
Order of presentation of points, use of emphasis on strongest points.	10	_____	_____
Judicious use of time, and effectiveness of Argument.	10	_____	_____
<u>Answering Questions:</u>			
Ability to answer questions, and to think on feet.	10	_____	_____
Ability to resume argument after interruption.	10	_____	_____
<u>Extemporaneous Ability:</u>			
Ability to speak without notes or without overreliance on notes; good eye contact.	10	_____	_____
Use of the speaking voice, poise, gestures, mannerisms, and courtroom etiquette.	10	_____	_____
TOTAL	100	_____	_____

