

The Brigadier General Wayne E. Alley
Military Law Moot Court Competition

hosted by

The United States Army Judge Advocate
General's Corps



at

The United States Army Advocacy Center
Fort Belvoir, VA

from

23–26 October 2024

Official Rules

Purpose

The Brigadier General Wayne E. Alley Military Law Moot Court Competition will recognize the written and oral appellate advocacy skills of law students and provide insight into the Army for law students and their schools.

Rule 1—Teams

1.1 A team must be comprised of at least two, but no more than three, law students attending the same ABA-approved law school. For the purposes of these rules, a law student enrolled during the semester or quarter of the competition is eligible to compete.

1.2 After the brief-filing deadline, a team must obtain the Competition Committee's written approval to substitute a team member. No substitutions are allowed once the tournament begins.

1.3 Participating schools will receive a randomly assigned team number. This number will be the sole method of identifying the team throughout the tournament. Participants may not directly or indirectly divulge their law schools' identity to the judges until after the results of the tournament are announced. Failure to follow this rule may result in a penalty or disqualification, at the discretion of the Competition Committee.

Rule 2—Briefs

2.1 The problem will be released on 12 August 2024. At that time, each team will be randomly assigned to write its brief on behalf of appellant or appellee.

2.2 This tournament is a closed universe. While outside research may be conducted, in their brief teams should only cite sources previously cited in the problem. However, teams are free to cite different portions of the previously cited sources.

2.3 Teams should not argue prejudice for either issue presented. Teams should assume prejudice and only argue whether there was, or was not, error.

2.4 Unless otherwise stated in these Rules, briefs must be typed, with the body of the filing double-spaced, in 14-point Times New Roman font, so as to be printed on 8.5-inch-by-11-inch paper with 1-inch margins on all sides. This includes

footnotes, although footnotes shall be single-spaced. Examples of briefs currently before the Army Court of Criminal Appeals are available at <https://www.jagcnet.army.mil/ACCALibrary/cases/opinions/OC>. Click on the case number to see any filings. These rules, however, are the final authority for the formatting of briefs.

2.5 The cover of the brief must include the team's designated number in the lower-right-hand corner. No information serving to identify the names of the competitors or their law school, other than its designated team number supplied by the Competition Committee, may be included on the cover or anywhere in the brief.

2.6 Citations must conform to the 21st Edition of the Bluebook.

2.7 Briefs shall be no more than 30 pages. The brief must also include a cover page, table of contents, and a table of authorities. These do not count toward the page limit.

2.8 Each team submitting a brief shall certify that the brief was prepared and served in accordance with these rules. Teams shall submit the executed certification form, as a separate document, simultaneously with the brief. The certification form is provided in Appendix A.

2.9 A team may not amend or revise its brief once it has been submitted.

2.10 Service of Briefs

a. Teams shall submit briefs electronically via email to Major Sean Patrick Flynn at sean.p.flynn40.mil@army.mil. Teams will submit their briefs as a portable document format file (.pdf) attached to the email. The deadline for submission is 11:59 PM (Eastern), on 23 September 2024.

b. The e-mail must contain only (1) the .pdf copies of the submitted brief, and (2) the certification form. The email must contain the team's designated number in the email's subject line.

c. The brief must be a single document. The document must not contain any portion of the problem (other than any references to it contained in the brief's text), hypertext links to other material, or any document that is not included in the brief.

d. If a team fails to properly serve its brief under these rules, the service date will be considered the date the brief is properly submitted.

2.11 Brief Scoring

a. Each brief will be individually evaluated by all members of a 5-member scoring committee. A 100-point scale will be used.

c. The high score and the low score will be dropped, and the remaining three scores will be averaged to determine a team's brief score.

d. A copy of the brief scoring sheet is attached to these rules as Appendix B.

2.12 The Best Brief Award will be decided based on the team with the highest average score (after dropping the highest and lowest scores, thus leaving three judges) for their brief. If a tie exists, the winner will be the team that advanced furthest in the tournament. If a tie still exists, all tied teams will be awarded best brief.

2.13 Brief Penalties

a. A five-point penalty will be assessed (deducted from the team's final averaged brief score) for each twenty-four hour period, or part thereof, for late filing.

b. A ten-point penalty will be assessed (deducted from the team's final averaged brief score) for every page, or portion thereof, over the limit.

c. Exceptions or adjustments may be made to these deductions for good cause determined by the competition committee.

2.14 Assistance

a. A team may, but is not required to, have a coach (e.g., a faculty adviser).

b. The brief must be the exclusive work of the team members. Team members must research, write, edit, and develop the arguments for their brief without assistance.

c. A coach or advisor may critique oral arguments before and during the tournament. A coach or advisor may also advise generally on a brief writing

schedule and the basic principles of military law and research. Coaches shall not assist with drafting, reviewing, or editing the brief.

2.15 All briefs will be distributed to all competitors no later than 30 September 2024.

Rule 3—Oral Arguments

3.1 Each team will participate in three preliminary rounds, including at least one argument both on and off brief.

3.2 Two team members will argue in each round of oral argument. A team may vary which members will argue first or second from round to round.

3.3 Oral argument is limited to a total of 30 minutes per team.

a. A team may allocate individual speaker time as it chooses; however, no team member can speak for more than 18 minutes.

b. The appellant may reserve up to a maximum of 3 minutes for rebuttal. Only one advocate may argue rebuttal. The appellant must request rebuttal time from the judges/bailiff at the beginning of the oral round.

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

3.4 Eight teams will advance to the elimination rounds.

3.5 During the preliminary rounds, teams will be placed into random groupings of four teams. Each team will argue against every other team in the grouping. The team with the best record in each grouping will automatically advance out of that grouping and will earn a top-4 seeding, to be specifically determined based on overall score. Should multiple teams in the same grouping have the same record, automatic advancement will be determined first by head-to-head winner and then by overall score.

3.6 The winner of a round, in the grouping phase, will be determined by the team that had the higher score in that round among at least two of three judges.

3.7 The remaining four spots in the elimination rounds will be at-large, determined entirely by overall score from the briefs and the preliminary rounds.

3.8 An overall score will be determined using a 100-point scale. A sample scoring sheet is attached at Appendix C. Each judge will fill out the scoring sheet. A team's average score for a preliminary round will consist of both competitors' scores from every judge being added together and divided by six (in other words, each judge's total score for each team being added together and divided by three).

3.9 Scores for each preliminary round will be an average of the scores for each team among the three judges.

3.10 To determine the total overall score for the preliminary rounds, the Competition Committee will add the average scores from each preliminary round and the average score from the brief together. Therefore, the preliminary rounds individually and the brief will each be worth 25% of the overall score.

3.11 After completion of the three preliminary rounds, advancement to the elimination rounds for at-large bids, and seeding, will be determined using the following process:

- a. total overall score; then, if necessary,
- b. win/loss record (among preliminary rounds); then, if necessary,
- c. higher brief score; then, if necessary,
- d. coin-flip.

3.12 Following the preliminary rounds, up until the final round, the winner will be determined by a vote among the judges for that round. Briefs will not be considered during the elimination rounds. There will be no score sheets.

3.13 Teams will not be re-seeded following any elimination round.

3.14 Appellant/appellee assignments for all elimination rounds will be determined by a coin flip. The lower ranking team will call "heads/tails."

3.15 The Best Oralists Award will be decided based on the competitor with the highest point total during oral argument during the three preliminary rounds. If a tie exists, the winner will be the competitor whose team advanced furthest in the tournament. If a tie still exists, all tied individuals will be declared Best Oralists.

3.16 Teams are not permitted to “scout” during the tournament. No team member, or person associated with a competing school, may attend the argument of any other school or receive information from any person who has attended an argument of any other school.

3.17 Pairings and a schedule for the three preliminary rounds will be provided at registration on 23 October 2024. Competitors can generally expect to compete in two rounds on Thursday, 24 October 2024 and at least one round on Friday, 25 October 2024. Elimination rounds will occur the afternoon of Friday, 25 October and Saturday, 26 October, with the final found on Saturday, 26 October.

3.18 The final round may be broadcast over the internet, and competitors will be provided a link to share with those they choose.

Rule 4—Administration

4.1 Any protest arising out of oral argument is considered waived unless the protest is brought to the attention of the Competition Committee prior to the publishing of the results that relate to the subject of the protest.

4.2 The deadline for submitting questions about the problem and the interpretation of these rules is 3 September 2024. Responses to questions will be distributed to all teams so that all competitors will have identical information. Submit questions to: sean.p.flynn40.mil@army.mil.

4.3 The Competition Committee shall be the final authoritative interpreter of these rules.

4.4 Competitors and coaches will be asked to sign a waiver allowing the U.S. Army to use their name, image, and likeness taken throughout the tournament.

Rule 5—Emergency Procedures

5.1 The Alexander T. Augusta Military Medical Center (formerly the Fort Belvoir Community Hospital) is one of the largest in Northern Virginia and provides all levels of inpatient and outpatient medical care, including a 24-hour emergency department. It is located less than 1 mile from where the competition will be held and from the hotel for competitors.

5.2 In case of an emergency, please call 911.

Appendix A

The Brigadier General Wayne E. Alley Military Law Moot Court Competition

2023 Certification Form

Law School: _____

Team Number: _____

Date: _____

I hereby certify that I have read and complied, and will continue to comply, with the competition rules. I did not receive any unauthorized assistance on the brief.

Competitor 1 (print) : _____

Competitor 1 (sign): _____

Competitor 2 (print) : _____

Competitor 2 (sign): _____

Competitor 3 (print) : _____

Competitor 3 (sign): _____

Coach/Faculty Advisor (print) : _____

Coach/Faculty Advisor (sign): _____

Appendix B

2023 Brief Score Sheet

Part of Brief	Description	Possible Points	Awarded Points
Cover Page, Table of Contents, Table of Authorities	Are they present, neat in appearance, and do they contain no obvious errors?	3	
Summary of Argument	Is it present, and does it provide an effective roadmap for the brief?	7	
Statement of Facts	Are the material facts included and presented persuasively?	15	
Argument Structure	Is the argument laid out in a way that makes sense and is easy for the reader to follow?	20	
Argument Substance	Does the argument present its position in a persuasive manner, effectively highlighting the good and distinguishing/minimizing the bad?	40	
Grammar	Is the brief free from grammatical mistakes/typos/other errors.	9	
Citations	Does the brief properly cite to authority in accordance with the Bluebook?	5	
Relief Sought	Is it present and does it make sense?	1	

Total Score _____

Team # _____

Comments: _____

Appendix C

2023 Oral Argument Score Sheet

Appellant Competitor #1	Appellant Competitor #2	Scoring Categories	Appellee Competitor #1	Appellee Competitor #2
Name:	Name:		Name:	Name:
		Argument Substance 0–45 Is the argument persuasive and does it properly and effectively use authority?		
		Grasp of Record 0–20 Does the competitor have a strong understanding of the facts in the record and is he/she able to recall and use them?		
		Response to Questions 0–20 Is the competitor able to quickly adapt to questions posed by the judges while providing coherent and persuasive answers? Is the competitor able to pivot back to his/her presentation after answering questions?		
		Courtroom Demeanor 0–15 Is the competitor polite and respectful of the judges? Does he or she address the court properly, stop speaking when a judge asks a question, and listen attentively from counsel table?		
Score ____	Score ____		Score ____	Score ____
Total Team Score ____			Total Team Score ____	
Team # ____			Team # ____	