

**PEPPERDINE UNIVERSITY SCHOOL OF LAW**  
**FOURTEENTH ANNUAL NATIONAL ENTERTAINMENT LAW**  
**MOOT COURT COMPETITION**

**INSTRUCTIONS**

1. All stipulations noted in the Circuit Court opinion are binding upon all parties and should not be challenged in briefs or oral argument.
2. Assume for purposes of your brief and oral argument that all parties have standing and no parties should challenge standing or jurisdiction.
3. South California is a fictional jurisdiction.
4. Assume that all motions and appeals were timely filed in accordance with the Federal Rules of Procedure.

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**RULES**

**I. The Competition**

The Pepperdine University School of Law National Entertainment Law Moot Court Competition (the Competition) is an annual interschool appellate advocacy competition governed by the rules set forth herein.

**II. The Competition Materials**

The materials provided by Pepperdine University School of Law and distributed by the Moot Court Board are exclusively for purposes of the Competition. By entering the Competition, each school agrees that the Moot Court Problem, Rules, and other Competition materials will not be used outside of the Competition.

**III. The Competition Rules**

**Rule 1. Number and Composition of Teams**

Each school may only enter one team consisting of two or three students. All team members are not required to participate in the oral argument; however, team members who participate in oral argument must participate in preparing and writing the Competition brief. If an uneven number of teams enter the Competition, the Moot Court Board will field a team for the preliminary rounds that will be ineligible for advancement.

Teams may not receive outside assistance from anyone in the preparation and writing of the Competition brief. This includes, but is not limited to, faculty members, attorneys, judges, and other students who are not members of the team.

**Rule 2. Preparation of the Brief**

All team members must participate in preparing and writing the Competition brief. No outside assistance from anyone is allowed. (*See* Rule 1.)

Each school will be randomly assigned either the Petitioner or Respondent side on which to write the Competition brief.

All submitted Competition briefs are the property of Pepperdine University School of Law Moot Court Board.

### **Rule 3. Length and Format of the Briefs**

- (a) *Length.*
- The brief shall not exceed **10,000 words** in length, excluding the cover, questions presented, table of contents, table of points and authorities, and statement of jurisdiction.
  - The font size shall be twelve-point (12) Century Schoolbook.
  - The text, excluding argumentative headings and footnotes, shall be double-spaced.
  - Page size shall be eight and one-half (8½) by eleven (11) inches.
  - Top, bottom, left, and right margins shall be one (1) inch.
  - Two (2) points will be deducted from the overall brief score for each of the above requirements that are not met.
- (b) *Format.* Each brief shall comply with the format specified in United States Supreme Court Rules, unless otherwise directed by these rules. Briefs must contain, under appropriate headings and in the order indicated:
- (1) A cover page;
  - (2) A statement of the questions presented for review;
  - (3) A table of contents with page references;
  - (4) A table of points and authorities with references to the pages of the brief where they are cited;
  - (5) A statement of the opinions and judgments below;
  - (6) A statement of the constitutional and statutory provisions involved;
  - (7) A statement of the case;
  - (8) A summary of the argument;
  - (9) The argument;
  - (10) A short conclusion stating the precise relief sought.
- (c) *Citations.* All citations shall comply with THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 19th ed. 2010).
- (d) *Identification.* The name of the law school and names of the team members shall not appear anywhere on the brief. Please place the assigned team number on the upper right hand corner of the colored cover page. Briefs shall be signed using only the team number.
- (e) *Appendices.* Briefs shall not contain appendices.
- (f) *Numbering.* Page numbers shall be placed at the bottom of each page, numbered consecutively. Begin Arabic page numbering with the Statement of the Case. All previous sections should use lower-case Roman numerals for numbering.
- (g) *Covers.* Each copy of the brief submitted by Petitioner to Pepperdine Law School shall have a **light blue** front and back cover on cardstock. Each copy of the brief submitted by Respondent to Pepperdine Law School shall have a **red** front and back cover on cardstock.

- (h) *Binding.* Each copy of the brief must be velo, spiral, or comb-bound at the left margin.
- (i) *Certification.* Submission of the brief certifies that such brief has been prepared in accordance with the Rules of the Competition and that it represents the work product solely of the competing team's members.
- (j) Any violation of Rule 3 (b) through (h) will result in a two (2) point deduction per violation from the overall brief score.
- (k) *Clarification/Questions.* All questions regarding the problem must come directly from team members, not faculty advisors, coaches, or non-team member students. Questions about the problem from faculty advisors, coaches, or non-team member students will not be answered. **Questions must be submitted before Wednesday, October 12, 2011 at 5:00 p.m. PST.**

#### **Rule 4. Service of the Briefs**

**Each team shall serve by overnight mail seven (7) hard copies of the brief to Pepperdine University School of Law postmarked, via overnight mail, no later than Monday, October 17, 2011.** Any late briefs shall receive a ten (10) point deduction from the overall brief score. The briefs shall be sent to:

Patty Hayes/Moot Court Board  
Pepperdine University School of Law  
24255 Pacific Coast Highway  
Malibu, California 90263

The brief copy shall also be submitted in **PDF and Word** formats via email by **Monday, October 17, 2011 at 5:00 p.m. PST** to [patty.hayes@pepperdine.edu](mailto:patty.hayes@pepperdine.edu).

#### **Rule 5. Plagiarism**

Plagiarism of any kind will result in immediate disqualification. Any use of another's work not properly identifying that source within the brief is plagiarism. Appellate briefs submitted by parties in actual lawsuits shall not be used.

#### **Rule 6. Brief Scoring**

The Competition brief will be graded on a 100-point scale. A panel of judges consisting of practicing attorneys, academics, and/or judges will score the Competition briefs for substance and style. The Pepperdine University School of Law Moot Court Board will assess a technical score for all Competition briefs. Citation errors will never account for more than 30% of the technical score. Length, format, and service penalties will be assessed after completion of substance, style, and technical scoring.

The brief score will count for **40%** of the overall team score during the preliminary rounds, **20%** during the quarter-finals, **10%** during the semi-finals, and **0%** during the final round.

## Rule 7. Oral Argument

- (a) *Oral Advocates.* Each side shall have thirty (30) minutes in which to present its argument. Those thirty (30) minutes may be divided between the two advocates in any way, so long as each advocate is allowed at least ten (10) minutes of argument time in each round. The first advocate for Petitioner may reserve up to three (3) minutes of either advocate's time for rebuttal, which may be argued by either team member. Teams must notify both the timekeeper and the judges if they are reserving time for rebuttal. If a team notifies the timekeeper, but fails to request rebuttal from the judges, its time will default to fifteen (15) minutes per advocate. All advocates will receive a five (5) minute and a one (1) minute warning during oral argument. No other time warnings will be given.
- (b) *Rounds.* There will be three (3) preliminary rounds of oral argument. Each team will argue at least once as Petitioner and at least once as Respondent. The teams that are 3-0 after the three preliminary rounds will advance to the quarter-finals. If more than eight (8) teams are 3-0 after the preliminary rounds, the eight teams with the highest preliminary round point differentials will advance to the quarter-finals. If fewer than eight (8) teams are 3-0, the 2-1 teams with the highest point differentials will advance.

The eight (8) teams advancing to the quarter-finals will be seeded according to their preliminary round scores with one facing eight, two facing seven, three facing six, and four facing five, unless doing so would require teams that met in a preliminary round to compete against each other again. In such case, the Moot Court Board will seed the quarter-finalists at its discretion. The winner of each of the four quarter-final rounds will advance to the semi-finals.

The four (4) teams advancing to the semi-final rounds will be seeded according to their quarter-final round scores with one facing four, and two facing three, unless doing so would require teams that met in a previous round to compete against each other again. In such cases, the Moot Court Board will seed the semi-finalists at its discretion.

The winning team in each of the two semi-final rounds will advance to the final round.

In the event of a tie, the team with the higher brief score will be deemed the winner of the round.

- (c) *Conduct.* Only two team members shall sit at counsel table and participate in a round. The two team members may confer with each other, but no outside counseling, including from alternates or coaches shall be permitted. Violations of this rule will result in a ten (10) point deduction from the overall oral scores of both participants. Coaches or advisors of the participants are allowed to attend the rounds of their respective team, but are not allowed to offer any advice or counseling once the round has begun.
- (d) *Protest.* Any protest regarding a round must be delivered in writing to the Chairperson of the Competition **within fifteen (15) minutes** of the completion of the round.

**NOTE:** No member, advisor/coach, or guest of any team still participating in the Competition may attend any rounds of any other school's team or receive information from any person who has attended such rounds. Teams are responsible for the behavior of their guests. Should the Moot Court Board receive reports of any inappropriate behavior by guests observing rounds, the Moot Court Board, in its sole discretion, shall assess a penalty against the team whose guests have behaved in the offensive manner.

### **Rule 8. Awards**

Awards will be given to the First Place Team, Second Place Team, and the Semi-Finalist Teams.

First, Second, and Third Place Oral Advocate awards will be given to the advocates with the highest combined scores from the preliminary rounds. To be eligible for this award an advocate must argue in all three preliminary rounds.

Brief awards will be given to the teams with the highest brief scores. First, Second, and Third Place will be awarded for both Petitioner and Respondent.

### **Rule 9. Practice Rounds**

The teams may hold practice rounds to prepare for the Competition. During the practice rounds, outside help, including faculty assistance, is permitted and encouraged. The practice rounds may only be held after the participating team's brief is submitted.

### **Rule 10. Interpretation of the Rules**

Requests for interpretation of these rules should be submitted via email to the Competition Chair, John Ceglia (john.cegla@pepperdine.edu). If two or more schools request an interpretation of the same rule, written clarification will be sent via email to all participating schools. All interpretations, waivers, consents, assessments of penalties, decisions, and any other action taken shall be at the sole discretion of Pepperdine University School of Law Moot Court Board. The Board will be the ultimate authority regarding the application and interpretation of these Rules and the administration of the Competition. By paying the registration fee and participating in the Competition, all team members commit themselves to follow the above-mentioned rules.