



AMC3

HANDBOOK



APPELLATE MOOT COURT COLLEGIATE CHALLENGE

WWW.AMC3.ORG



AMC3 HANDBOOK 2020

Program Overview	1
Summary of the Problem	3
Rules	4
<i>Request For Ruling Form</i>	
Guidelines for Briefs	9
Guidelines for Oral Arguments	11
Exhibits	
A. Score Sheet for Briefs	13
B. Sample Juror's Ballot	14
Jurors of View	15
Campus Recruiting Poster	Back Cover

The recruiting poster may be downloaded in PDF format from the AMC3 website.

SUPREME COURT

Chief Justice

Stephen Kusick, King University, Bristol

Justices

David Crabtree, East Tennessee State University, Johnson City

Gabrielle Eilf, University of Tennessee at Chattanooga

Sydney Odell, Freed-Hardeman University, Henderson

Willie Williams III, University of Memphis

Clerk & Marshall

Dana Warick, University of Memphis

Special Formatting For 2020

Some regular provisions have been suspended because of the special circumstances of 2020. That material is retained for reference purposes and ~~struck through~~.

Some special provisions have been adopted for 2020. They are in **bold italics**.

OVERVIEW

Tennessee Intercollegiate Supreme Court

www.TISCourt.org

The Tennessee Intercollegiate Supreme Court (TISC) presides over AMC3 and has original and sole jurisdiction over issues arising from the TISL Constitution, laws and proceedings.

TISC is the judicial branch of TISL and is established by the Constitution (Article VIII). It is further governed by Chapter 4 of the TISL Legal Code. The Constitution and Legal Code are online at www.TISLonline.org.

TISC is organized like the Tennessee Supreme Court. Five justices are appointed by the TISL Governor from a panel of nominees selected by the Supreme Court Nominating Commission (TISL Legal Code 4-2-1 *et seq.*).

In keeping with Tennessee practice, the Court elects the Chief Justice and the Attorney General,

TISL's judicial program is a collaboration between the Tennessee Intercollegiate State Legislature Foundation, the Tennessee Bar Association and members of the Judicial Department of the State of Tennessee.

Special Advisers are Tennessee Supreme Court Justice Jeff Bivins and Tennessee Court of Appeals Judge Frank Clement Jr. Each is a TISL alumnus, and Judge Clement is a former Governor of TISL.

Dean Bill Koch of the Nashville School of Law helped to create the judicial program when he was on the Supreme Court and is Special Adviser *Emeritus*.

who are members of the TISL Executive Council. The primary courtroom for TISC is the Old Supreme Court Chamber of the Capitol, although additional facilities will be used for the preliminary and championship rounds of AMC3.

Appellate Moot Court Collegiate Challenge

www.AMC3.org

The Appellate Moot Court Collegiate Challenge (AMC3) is an appellate court simulation.

Once a case has been decided in trial court, the petitioner may attempt to overturn the decision by petitioning for an appeal. AMC3 recreates this setting with AMC3 participants acting as lawyers representing the Petitioners and Respondents for the case.

AMC3 teams are required to prepare a case brief prior to the tournament and present a 20-minute oral argument. A team is two to five students; four is typical. Each college is limited to only one team.

Each fall, TISC releases a problem that teams study. The AMC3 problem is published annually around Labor Day. The case to be argued is a closed hypothetical factual problem, and legal authorities used in arguments are drawn from a closed table of case and statute authorities supplied to the competing teams. Each team shall prepare one brief as well as oral arguments for

both the petitioner and the respondent. The brief is submitted in advance of the TISL General Assembly. AMC3 oral arguments occur ~~in Nashville~~ **virtually** concurrently with the TISL General Assembly ~~at the State Capitol~~.

Each team argues twice for the petitioner and twice for the respondent in the preliminary rounds. Eight teams ***with the best brief scores will participate in the preliminary round of oral arguments. Four teams*** advance to the semifinal rounds and argue once for the petitioner and once for the respondent.

Two teams advance to the championship round and argue once for the petitioner and once for the respondent. A champion is announced at the closing session of the General Assembly.

During the preliminary rounds, a justice of TISC is the presiding judge, and at least one magistrate serves as a non-scoring judge. During the semifinal rounds, three justices of TISC will typically

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

preside, and the Court sits *en banc* during the championship round.

A Jury of View comprised of active and retired lawyers, judges, and/or law students will rate each team. Each juror will cast a single ballot. TISC justices shall also rate each team. If multiple justices are sitting, the presiding justice will compile the justices' votes, and whichever team

receives more votes will receive the justices' single ballot in that round.

On the morning of the fourth day, Sunday, the Supreme Court will deliver its decision and will announce the winner of the competition. Awards will also be presented to the best petitioner attorney, best respondent attorney, and the team with the best brief.

	Round		
	Preliminary	Intermediate	Championship
Participating Teams	All 8	8 4	2
Day(s)	Thursday & Friday	Saturday Friday	Sunday Saturday
Location	Cordell Hull Building Zoom	Old Supreme Court Chamber, State Capitol Zoom	Supreme Court Building Zoom
Oral Arguments As Petitioner	2	1	1
Oral Arguments As Respondent	2	1	1
Total Oral Arguments	4	2	1

Clerk & Marshall

The Court appoints the Clerk & Marshall, its top officer.

The Clerk & Marshall coordinates the administrative side of AMC3 and is the best source of information. The C&M will have a desk in a public space for every round.

The Court also appoints a variety of other assistant clerks, and anyone is welcome to apply. Send email to filings@TISCourt.org.

At the end of each round, the Clerk & Marshall will post the results in your online Control Panel.

Highlights

Students who wish to serve on the Supreme Court should apply at the beginning of the fall semester for a one-year term that will begin in November. A justice may serve up to three terms. Details are on the Court's website (www.TISCourt.org).

Students who are interested in serving as a justice on the Supreme Court should also apply to serve as a magistrate in the year they apply for the Court. Magistrates sit alongside justices in the preliminary rounds and help to question the lawyers about the case.

All TISL delegates benefit from attending one of our free regional workshops in October. The workshop schedule is at www.TISLonline.org

Historic Venues

Semifinals

The Old Supreme Court Chamber in the Capitol was used by the Tennessee Supreme Court to hear cases and deliver decisions of the Court for more than 70 years from the completion of the Capitol in 1859 until 1937 when the Supreme Court Building opened.

Finals

The Tennessee Supreme Court Building opened in 1937. The building is on the National Register of Historic Places. Three courts convene here: the

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

Tennessee Supreme Court, the Court of Appeals (civil) and the Court of Criminal Appeals.

Tips For Lawyers

You are strongly encouraged to read the Rules closely. Rule violations can affect your team's score.

Anxiety before you speak is normal. A few deep breaths can help settle your nerves.

The Petitioner may reserve up to seven minutes for rebuttal after the Respondent speaks, and it is strongly recommended that you reserve at least a few minutes for rebuttal.

Begin your remarks with "May It Please the Court, I am [your name] for the Petitioner/Respondent."

Project your voice to be easily heard, but don't be overdramatic. Speak slowly enough for people to comprehend you. Remain in one place while speaking, and avoid wild movements or dramatic

shouting. You are speaking to judges who know the law, not a jury.

A strong argument relies heavily on frequently referring to cases and having an in-depth understanding of them.

Justices are likely to interrupt you with questions while you give your argument. The difficulty of the questions will increase as you move up in the competition.

Questions pertain to the case, case authorities, statutes and regulations and your oral arguments. Judges are trying to engage in a conversation to better understand your case.

When asked a question, you should immediately stop speaking and answer. Do not continue with your argument until the Justice is finished asking questions.

If you are unsure if they are finished, ask if you may proceed. Remember to always refer to the Justices as "Your Honor."

THE PROBLEM

Root v. Holpart

Plaintiff, Tim Holpart, is a well-known salesman and owner of a successful lumber company. Defendant Dale Root works in the construction industry and has known Mr. Holpart for approximately nine years.

The relationship between Mr. Holpart and Mr. Root began to deteriorate when Mr. Root accused Mr. Holpart of destroying some of his tools, something Mr. Holpart adamantly denied. After weeks of trying to receive an apology from Mr. Holpart, Mr. Root posted on numerous social media sites and blogs several untruthful and damaging statements about Mr. Holpart, resulting in a significant decline in his business.

Mr. Holpart filed a lawsuit against Mr. Root in federal court for defamation (libel). The district court found in favor of the Plaintiff, awarding monetary relief. However, upon learning of the Defendant's judgment-proof status, Plaintiff moved for a post-trial injunction, which was granted in the form of a permanent injunction, which enjoined the Defendant from "repeating any of the particular statements that were found to be defamatory." Mr. Root now appeals to the Fourteenth Circuit Court of Appeals on the grounds that the permanent injunction violates his First Amendment rights.

ISSUE

Whether a permanent injunction enjoining a defendant from speaking or writing specific statements found to be libelous or defamatory is a constitutionally permissible remedy.

RULES

BASIC REQUIREMENTS

1.1 Team. A team is two to five students currently enrolled at an institution of higher education that's qualified to participate in TISL. Under extenuating circumstances, the Court, by a four-fifths vote, can allow a one-member team, but the Court may also reduce that team's score appropriately to maintain competitive fairness.

1.2 Eligibility of participants. Any college student from an eligible college, unless currently or previously enrolled in a college of law or other graduate program, is eligible to participate.

1.3 Conduct Standards. Each participant shall, during appellate hearings and all other times during the AMC3 competition, conduct him/herself in accordance with the highest standards of decorum, honesty, integrity and ethical behavior. He/She shall be courteous to all AMC3 participants, coaches, officials, judges and visitors.

PRELIMINARY, INTERMEDIATE, AND CHAMPIONSHIP APPELLATE HEARINGS

3.1 Number of Rounds. The AMC3 competition consists of four preliminary appellate hearings for each team. There will also be intermediate semifinal appellate hearings and final championship appellate hearings. The Tennessee Intercollegiate Supreme Court shall schedule hearings.

3.2 Appellate Hearing. An appellate hearing is oral argument totaling forty (40) minutes by the Petitioner and Respondent teams. Two lawyers for the Petitioner will begin by presenting for up to 10 minutes each. The Petitioner may reserve up to seven minutes for rebuttal after the Respondent's lawyers. After the Petitioner, two lawyers for the Respondent will speak for up to 10 minutes each. If only one team member is available to argue, the round is forfeited unless granted an exception under Rule 2.1. All time limits include questions by the judges.

3.3 Rebuttal. One lawyer for the Petitioner may reserve up to seven minutes for rebuttal. A lawyer's initial speaking time combined with rebuttal time may not exceed ten minutes. A

What's New 2020

- Oral Arguments will be limited to eight (8) teams, based on the highest brief scores.
- The preliminary round shall consist of eight teams, semifinals four teams, and finals two teams.
- Every brief submitted will receive written feedback from the attorney brief graders.
- To maintain the mission of the TISL organization to promote a learning experience, the virtual oral arguments will not have a juror of view, but instead be an opportunity for a student-led experience. Our Justices will be prepped by a Tennessee Supreme Court Justice.

reservation of rebuttal time, if requested by the Petitioner, and also the name of each lawyer arguing the case and the time allocation for each of them must be submitted in writing to the courtroom clerk before the opening of the Court (Exhibit C). Either lawyer for the Petitioner may deliver rebuttal but not both.

3.4 Preliminary Appellate Hearings. The preliminary round will be organized by random pairings. Each team will argue twice for the Petitioner and twice for the Respondent against a variety of opposing teams on a schedule established by TISC.

3.5 Intermediate Appellate Hearing. The ~~eight~~ **four** teams with the highest Cumulative Score (as defined in Section 5.6) from the preliminary round shall participate in the intermediate appellate hearings. The intermediate round shall consist of two appellate hearings per team by random pairings. Each team will argue once for the Petitioner and once for the Respondent.

3.6 Championship Appellate Hearing. The two teams with the highest Cumulative Score (as defined in Section 5.6) from the previous round shall participate in the championship round. The championship round shall consist of two appellate hearings in total. Each team will argue once for the Petitioner and once for the Respondent.

3.7 Forfeiture. If a team is unable to compete during a scheduled hearing, it will forfeit the round and the other team shall receive all of the ballots

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

available in the round. If a team is more than 10 minutes late for a scheduled hearing, the late team will be deemed to have forfeited that round, and the other shall receive all of the ballots available in the round. If a team knows it will forfeit a round, the team should communicate this intent to the Court at the earliest opportunity. Upon request by the non-forfeiting team, the Court may attempt to re-schedule the non-forfeiting team's hearing, so that the non-forfeiting team has an opportunity to compete against an opponent.

RULES FOR APPELLATE HEARINGS

4.1 Closed Problem and Closed Table of Authorities. The problem for the AMC3 competition is a closed problem. A Table of Authorities that consists of the citations to cases and other authorities, along with copies of each such case or authority, shall accompany the problem. The argument of each team shall be based only upon facts and other matters stated in the Problem and the law found in the documents cited in the Table of Authorities furnished by the Tennessee Intercollegiate Supreme Court. Teams and their participants may not cite other authorities that are merely cited within the cases included in the Table of Authorities. When a case in the Table of Authorities directly quotes another case, that direct quotation may be used.

4.2 Timekeeping. The Clerk and Marshall, or a deputy, shall keep time in each appellate hearing. Before each appellate hearing, each team shall specify ~~in writing on an official form~~ to the Clerk and Marshall and judges the order of argument for each participant on a team and the allocation of the total allotted time among the team's participants (subject to Rule 3.2). If there is no courtroom clerk to monitor time, the presiding judge shall appoint a timekeeper.

4.3 Timekeeping procedures. The Clerk and Marshall shall display time cards so that they are visible to the participant who is presenting oral argument, to the panel of Judges and the Jury of View. The Clerk and Marshall shall also announce to the Court when the allotted time shall have expired for each participant and each team.

4.4 Extension of Time for Oral Argument. The Presiding Judge may allow an extension of time for oral argument with respect to a participant or a team upon a request for an extension and good cause shown.

4.5 Guidelines for Oral Argument. Each participant and team shall make every reasonable effort to conform to the Guidelines for Oral Argument in this Handbook. The ~~members of the Jury of View~~ *presiding justice* may consider compliance with these Guidelines in scoring each team in an appellate hearing. Violations of the oral argument rules may be punished by a reduction in a team's score by the Tennessee Intercollegiate Supreme Court.

4.6 Notes permitted; Visual aids Prohibited. Participants and teams may use personal notes during any appellate hearing. Participants and teams are prohibited from using any type of visual aid during an appellate hearing.

4.7 Attendance of Participants at Other Hearings. Scouting of other teams is prohibited during the Intermediate and Championship Rounds. No competitor or coach that is still participating may attend the oral argument of another team or receive information from any person who has attended the oral argument of another team. Violation of this rule will result in a reduction of a team's score. The Court may, at its discretion, waive this rule during the Championship Round to maintain competitive fairness. (Note: this rule does not apply to the Preliminary Rounds).

4.8 No substitutions. A team of the same participants must represent the Petitioner and/or the Respondent for every hearing of the AMC3 competition. Substitutions are not permitted once the AMC3 competition begins except when an exception is granted under Rule 2.1.

4.9 Coaches. Each team may have a non-student coach. A team may have more than one coach. A coach may not sit at the counsel table, and the coach may not consult with, contact, text, or seek to influence the team or participants during an ongoing appellate hearing ~~and must remain muted except when presenting their arguments~~. A coach may not directly participate in the drafting or editing of a team's appellate brief.

4.10 Jury of View brief. A Jury of View brief (also known as a "bench brief") may be distributed to members of the Juries of View for the purposes of briefing them on the issues presented in the problem. The Jury of View brief is confidential. Any team, participant or coach that possesses a Jury of View brief or uses material from the Jury of View brief shall be subject to severe sanctions.

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

4.11 Videotaping or Photography of appellate hearings. The Supreme Court welcomes media coverage of AMC3. TISL Media isn't limited to these topics, but the Court notes these coverage opportunities:

- Release of the AMC3 problem (late August)
- Tentative team count (after Universal Deadline)
- Announcement of semi-finalists (Friday evening)
- Announcement of finalists (Saturday evening)
- Announcement of Champion (Sunday closing session)
- Award winners (Sunday closing session)

Audio and video in the courtroom are permitted as follows:

- Still photos only during the Preliminary Round
- Still photos and video, including audio, during the Semifinal and Championship rounds

Reporters should maintain a relatively fixed position throughout the round. Reporters may leave or change positions in between each round. In other words, you can change position or depart when the lawyers change.

In news reports, please refer to teams by number and not by the name of the college. Media may refer to lawyers by their names. (For example, "Susan Anderson of Team 157.")

Outside the courtroom, it is OK for AMC3 lawyers to discuss the case, describe the facts of the case and express an opinion about the case in interviews.

If you have questions about media guidelines please contact the Media Director.

4.12 Interrupting Rounds. An interruption is defined as entering or exiting the courtroom with excessive noise at any point between when the Petitioner begins oral arguments and when the Petitioner finishes their rebuttal (or, if no rebuttal is presented, when the Respondent finishes their oral arguments). In the courtroom, an individual watching the oral argument should not cause noise or interference within the courtroom that will distract the participants or the court, including noise from electronics. *All individuals watching the oral ar-*

gument via Zoom are to remain muted for its duration. If an individual from a team (not delegation) competing in AMC3 interrupts a round, the team may be held responsible for the individual. If an individual not competing in AMC3 interrupts a round, any violation can and will be handled as seen fit.

JUDGING AND SCORING

5.1 Appellate Judges. At all preliminary appellate hearings, a panel of at least two (2) student judges shall conduct the appellate hearing; none may be previously or currently enrolled in a college of law.

Each panel of judges shall include as the presiding judge a Justice of the Tennessee Intercollegiate Supreme Court. The remaining judge(s) shall be magistrates or justices. The Tennessee Intercollegiate Supreme Court shall sit at the championship appellate hearing *en banc*. TISC shall designate all panels of judges, including the presiding judge.

The Court may appoint Magistrates to serve on the bench in preliminary rounds. Magistrates shall not otherwise compete on an AMC3 team.

5.2 Scoring of Oral Arguments. ~~Each preliminary appellate hearing shall be attended and scored by a Jury of View composed of at least two persons who shall be either active or retired attorneys, professional judges or current law students. Jurors may not be AMC3 coaches. The Court shall designate the members of each Jury of View. Each member of the Jury of View will be offered a bench brief before the start of hearings. At the conclusion of appellate hearings, each Juror and the presiding Justice shall cast one vote for the team that was superior in its oral advocacy. If the Jury of View has fewer than two members or more than two members, the value of each vote cast shall be increased or decreased proportionally.~~

In the event of any ambiguity, omission, error or question concerning scoring, the Court shall make the final decision. If multiple Justices of the Tennessee Intercollegiate Supreme Court preside over a round, the senior Justice shall compile all Justices votes and cast the Justices' collective ballot for the side receiving the most votes. Even when multiple Justices serve, the Justices cast just a single ballot. The presiding justice will fill a lawyer score sheets for the purpose of calculating awards.

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

5.3 Critique by the Jury of View. After each preliminary appellate hearing session (typically two hearings back to back), the professional lawyer members of the Jury of View may hold a brief oral critique session collectively with all four teams. Even after a round has concluded, competitors must not reveal their collegiate affiliation.

5.4 Scoring Procedure. Each participant who presents an argument at each appellate hearing, including the championship appellate hearing, shall be scored by each member of the Jury of View based upon a Lawyer Score Sheet attached to these Rules as Exhibit B.

5.5 Votes Confidential during Appellate Hearings. The number of ballots cast for each team during all rounds shall be confidential until the specific stage (preliminary, intermediate or championship phase) of the competition is complete, at which time the scores for all teams will be released electronically.

5.6 Tabulations of Scores from Preliminary Appellate Hearings. At the conclusion of the preliminary appellate hearings, the Tennessee Intercollegiate Supreme Court will total the votes cast by the Jury of View under Rule 5.2(a) to produce a Cumulative Score. The teams with the highest Cumulative Score will advance to the next round of the competition. If a tie results in more than eight *four* teams being eligible for the intermediate rounds, then the teams' brief scores shall be used as a tiebreaker.

5.7 Tabulations of Scores from Intermediate Appellate Hearings. At the conclusion of the intermediate appellate hearings, the Tennessee Intercollegiate Supreme Court will total the votes cast by the Jury of View under Rule 5.2(a) to produce a cumulative score. The two teams with the highest Cumulative Score will advance to the championship round of the competition. If a tie results in more than two teams being eligible for the championship round, then the teams' brief scores shall be used as a tiebreaker.

5.8 Tabulations of Scores from the Championship appellate hearing. At the conclusion of the championship appellate hearing, the Jury of View will cast votes for the better team as in the preliminary round. If a tiebreaker is required after the ballots of the Jury of View have been counted, the Tennessee Intercollegiate Supreme Court shall cast a single ballot to determine the winner. The Chief

Justice shall announce the winner at the closing session of the General Assembly.

5.9 [Deleted].

5.10 Authority of the Tennessee Intercollegiate Supreme Court in Rules Violations. Any team that reasonably believes that a Rules violation has occurred and such violation has not been raised and acted upon during an appellate hearing, may file a complaint with the Tennessee Intercollegiate Supreme Court. The Tennessee Intercollegiate Supreme Court shall, after giving notice and an opportunity to be heard (at its discretion) to the affected team(s) and/or participant(s), decide the complaint and may order any sanction which they deem appropriate, including but not limited to, expulsion of a participant, loss of scoring points, forfeiture of the team in the AMC3 competition or any appellate hearing thereof. In the event of a sanction or forfeiture of any appellate hearing, the score of the team for the forfeited appellate hearing shall be recorded as zero.

5.11 Established Penalties. Competitors who fail to comply with Rule 4.5, Rule 4.12, or Rule 3 of the rules of oral argument (interrupting hearings in progress or revealing one's school during a hearing) will be subject to the following penalties:

First Infraction. If the Chief Clerk and Marshall determines a violation has occurred, he or she will issue a written warning to the offending team.

Second Infraction. If the Chief Clerk and Marshall determines a second violation of the same type has occurred, the offending team's aggregate score for a round (preliminary, semifinal, championship) will be reduced by two percentage points.

Third Infraction. If the Chief Clerk and Marshall determines a third violation of the same type has occurred, the offending team's aggregate score for a round will be reduced by an additional five percentage points.

Additional Infractions: If the Chief Clerk and Marshall determines an additional violation of the same type has occurred, the Tennessee Intercollegiate Supreme Court will hold a hearing to determine whether or not the team may continue participating in AMC3.

The Tennessee Intercollegiate Supreme Court reserves the right to increase or decrease the severity of these punishments when mitigating or aggravating circumstances are present.

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

5.12 Brief. Each team is to submit a brief in PDF format for the Petitioner or for the Respondent. The team may choose which side to argue. The highest scoring brief will be announced by the Chief Justice at the closing session of the General Assembly. Brief scores will not be factored into the scoring for the preliminary, intermediate, or championship oral argument rounds unless necessary as a tiebreaker. Guidelines for the brief and a Microsoft Word template are at www.AMC3.org.

GOVERNANCE

6.1. Governance. AMC3 is governed by the Tennessee Intercollegiate Supreme Court (TISC) under the auspices of the Tennessee Intercollegiate

State Legislature Foundation, a Tennessee corporation, and the Constitution of the Tennessee Intercollegiate State Legislature.

6.2 [Deleted].

6.3 Authority to Establish, Amend and Interpret Rules. The Tennessee Intercollegiate Supreme Court has the authority to enact, amend and/or interpret these Rules at any time upon a majority vote of the members of the Court. The authority to interpret includes all matters pertaining to the conduct of appellate hearings, scoring, and any other procedure or practice necessary or advisable for the conduct of the AMC3 competition.

Special Formatting For 2020

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Some special provisions have been adopted for 2020. They are in ***bold italics***.

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

EXHIBIT A

SCORESHEET FOR BRIEFS

Brief by (Team Number) _____

Graded by _____

LEGAL ANALYSIS

Identify on relevant legal issues (10 points) _____

Well-reasoned legal arguments tailored to respond to questions presented (10 points) _____

Originality and creativity (10 points) _____

Effective use of supporting cases and authorities (10 points) _____

Effectiveness in dealing with contrary arguments and authorities (10 points) _____

Subtotal Maximum 50 _____

ORGANIZATION OF THE BRIEF

Follows template and the following sections of the brief are present (10 @ 1 point each):

- Coversheet _____
- Questions presented _____
- Table of Contents _____
- Table of Authorities _____
- Jurisdiction _____
- Constitutional provision involved _____
- Statement of case _____
- Statement of facts _____
- Summary of argument _____
- Conclusion _____

Use of proper citation form (5 points) _____

Subtotal Maximum 15 _____

WRITING QUALITY

Logical organization (10 points) _____

Clarity in expressing arguments (10 points) _____

Effectiveness of writing style (10 points) _____

Use of proper grammar (5 points) _____

Subtotal Maximum 35 _____

TOTAL Maximum 100 _____

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

EXHIBIT B

JUROR'S BALLOT

SAMPLE



AMC3 Appellate Moot Court Collegiate Challenge Juror's Ballot

Preliminary Round
Legislative Plaza 31
2:00 PM, Thursday, November 12, 2015
1st Argument
Control Number 2,259

Clerk & Marshall

Entered _____

Verified _____

Juror's Name PLEASE PRINT LEGIBLY _____

Participants should **not** identify their college by name during competition. Please refer to teams by number.

FEEDBACK MATRIX

Petitioner	To help teams improve, please rate each team on a 0-5 scale: 0 — Not Observed 1 — Poor 2 — Showed Some Understanding 3 — Barely Achieved Essentials 4 — Very Good 5 — Excellent	Respondent
202		207
_____	OPENING: Did the team . . . Quickly summarize the party's basic position? Speak clearly and confidently with limited reliance on a written statement? Did the team effectively provide a detailed overview of their argument?	_____
_____	PRESENTATION OF THE MERITS: Did the team . . . Effectively maintain their position? Offer well-reasoned arguments? Focus on the important issues raised by the case? Organize the arguments well? Demonstrate mastery of the facts and the decision? Exhibit knowledge and understanding of relevant precedent and policy?	_____
_____	RESPONSIVENESS TO THE BENCH: Was the team ... Prepared for questions that could be reasonably anticipated? Did the team respond to the bench's questions and concerns effectively? Did the team resume its argument when appropriate after bench interruptions?	_____
_____	DEMEANOR: Did the team . . . Present the argument smoothly and confidently? Display a courteous and respectful attitude toward the court when responding to the bench? Minimize their reliance on notes? Maintain eye contact and use appropriate gestures? Develop a rapport with the bench? Avoid distracting fillers (e.g., "um")? Avoid unnecessary shifting or fidgeting? Dress appropriately?	_____

REASON FOR DECISION

Please briefly describe your reasoning

Petitioner

202

<<< Please Choose **ONE** Winner for the Round >>>
No ties, please

Respondent

207

Thank You For Helping AMC3!

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

This form is also available from the Clerk & Marshall

REQUEST FOR RULING

Page 1 of 1

- ▢ Print and sign two copies
- ▢ Deliver two copies to the Clerk & Marshall or submit a scan with signatures to filings@TJSCourt.org.
- ▢ If delivered in person, Clerk & Marshall to return one signed and dated copy as a receipt.

1. YOUR TEAM NUMBER _____

2. TEAM CONTACT

Name _____

Cell or Email _____

3. TYPE OF REQUEST

- ☐ Irregular team size
- ☐ Lawyer substitution
- ☐ Rules violation
- ☐ Other

4. RELEVANT RULE(S)

5. DESCRIPTION & RELIEF SOUGHT

Please describe the situation(s) you want the Court to address and what action you would like for the Court to take.

☐ Continued on back

6. SIGNATURE

I swear/affirm that the facts presented in this request are true to the best of my knowledge.

Signed _____ Date _____

Deliver two copies to the Clerk & Marshall or to the Chief Justice; one copy to be signed and returned as a receipt.

RECEIVED FOR FILING

Signed _____ Date _____

Title _____ Time _____

BRIEFS

Each team is to file one brief. The team may choose whether to file for the Petitioner or for the Respondent.

Deadline

The deadline for briefs is on the Official TISL Calendar (online). ~~It is typically about two weeks before the TISL General Assembly.~~ **The deadline for Briefs is Oct. 30.** Briefs must be received by this date.

Template

A template in Microsoft Word format is available for download at www.AMC3.org.

Submission

Teams may submit their briefs by email (preferred) or by postal mail.

Email

Each team should send a copy of its brief in PDF format to: briefs@amc3.org. The file name should be the team number. Example: brief_123.

Structure

Each team should follow the guidelines below when formatting the brief.

Elements

Each team should format its brief to mirror the provided template. Each brief should include all sections described in the template. Failure to follow the template may, at the scoring judge's discretion, result in a deduction in the team's overall score.

Maximum length

10 pages excluding the Cover Page, Questions Presented, Table of Contents, and Table of Authorities

Formatting

- 8.5" x 11" paper
- 1-inch margins on all sides
- Times New Roman Font size 12 pt.
- Double spacing

- Arabic page numbers on bottom center

Citations

In the Table of Authorities and throughout the brief, teams should follow the Uniform System of Citation when citing authorities.

In legal writing, citation serves two purposes: attribution and support. Citation facilitates attribution by identifying the source of the ideas developed in the text, and materials quoted or referenced therein. In general, you should provide attribution for all sources – whether legal or factual – outside your own reasoning process. Citation facilitates support by directing the reader to a specific legal or factual authority that provides support for, or is otherwise relevant to, a proposition stated in the text. Citation is used not only to tell the reader where to find the cited authority, but also to indicate the nature and degree of support the authority provides.

The Bluebook: A Uniform System of Citation

Teams should not assume authorities as listed in the List of Authorities provided by AMC3 and authorities as cited in the record follow the Uniform System of Citation. It is up to each team to provide correct citations in their briefs.

There are two basic citation forms in legal writing: full citation and short form.

Full Citation

A full case citation includes the name of the case in italics, the published source in which it may be found, the court and jurisdiction, and the year of decision. Many state court decisions are published in more than one source. Teams may cite to either the official state reporter or the regional reporter or may include a parallel citation to first the official state reporter and then the regional reporter. Examples of full case citations for common authorities are found below.

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

Citation of a Case from a State's Highest Court
Case name, Regional reporter volume no. Regional reporter abbreviation First page of the case, Specific page(s) referred to (State Date of decision)

Cheshire Medical Center v. Holbrook, 663 A.2d 1344, 1347 (N.H. 1995)

or *Case name*, State reporter volume no. State reporter abbreviation First page of the case, Specific page(s) referred to (State Date of decision)

Cheshire Medical Center v. Holbrook, 140 N.H. 187, 190 (1995)

or *Case name*, State reporter volume no. State reporter abbreviation First page of the case, Specific page(s) referred to, Regional reporter volume no. Regional reporter abbreviation First page of the case, Specific page(s) referred to (Date of decision)

Cheshire Medical Center v. Holbrook, 140 N.H. 187, 663 A.2d 1344 (1995)

Citation of a Case Decided by Any Lower State Court

Missibama Regional Medical Center v. Smythe, 38 Misba. App. 2d 383 (Misba. Ct. App. 2010).

Short Form

Once teams have cited an authority in the text of the brief, teams may use a short form in later citations of the same authority.

Generally

Bethel, 478 U.S. at 583.

Id.

Id. at Page number(s)

Id. at 583.

Other Sources

Citation of the U.S. Constitution

ABBREVIATION FOR CONSTITUTION. article or amendment no, § number of section cited

U.S. CONST. amend. XIV, § 2.

U.S. CONST. art. I, § 9. cl. 2.

Citation of a State Constitution

ABBREVIATION FOR CONSTITUTION. article or amendment no, § number of section cited

TENN. CONST. art IV, § 2.

Citation of a State Statute

Name of statute, STATE CODE title/chapter/section number (year of code)

Married Women's Act, TENN. CODE ANN. ch. 460 (1992).

Citation of State Rules of Civil Procedure

ABBREVIATION OF SET OF RULES CITED Number of rule cited

MISBA. R. CIV. P. 12(b)(6)

Citation of the Record

R. at Page(s) referred to

R. at 2.

Example

The paragraphs below provide an example of the correct way to use full citation and short form in the text of a brief.

The First Amendment provides U.S. citizens with the freedom of speech. U.S. CONST. amend. I. In order to remain within the boundaries of the First Amendment, a school must show restricted student speech would substantially interfere with the school's operation. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 513 (1969). The content and nature of the speech may provide for further restriction on student speech. A school has more leeway in prohibiting speech that is vulgar or offensive. *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 683 (1986). Additionally, a school may exercise more control over student speech in school-sponsored activities as long as this control relates to legitimate pedagogical concerns. *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 273 (1988). This Court requires that a school may only regulate political speech which is not vulgar or school-sponsored if the speech would substantially disrupt school operations or interfere with the rights of others. *Saxe ex rel. Saxe v. State Coll. Area Sch. Dist.*, 240 F.3d 200, 214 (3d Cir. 2001). Here, because there is no evidence of substantial disruption or reasonable expectation of disruption, and because Metcalf's speech was political and not school sponsored, Defendant acted unconstitutionally.

In regulating speech such as Metcalf's, a school must demonstrate the speech would

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

materially and substantially interfere with the operation of the school or the rights of others. *Tinker*, 393 U.S. at 513. *Tinker* determined that the First Amendment protects the silent expression of disapproval of governmental policy when that speech does not substantially interfere with school operations. *Id.* at 514. Like the speech in *Tinker*, Metcalf's speech on the day in question did not substantially disrupt operations. Metcalf went through the entire morning without substantial disturbance with respect to his interaction with other students. See R. at 11, 23. While some students commented on Metcalf's shirt, these comments did not substantially interfere with Defendant's ability to operate. See *Id.* at 15, 24. Likewise, when other students passed Metcalf and pointed to him, quite possibly because Metcalf was going to appear on television, there was no substantial disruption. *Id.* at 13.

Additional information and other examples of

proper citation can be found in *The Bluebook: A Uniform System of Citation*. Cambridge, Mass.: The Harvard Law Review Association.

Scoring

Judges will score the briefs based on the following criteria

- Follows template
- Clear, concise statement of the case
- Effective communication of the facts
- Summary of the argument which allows the reader to quickly discern the main legal points of the brief's argument
- Argument
 - Effective use of authorities
 - Effective use of facts
 - Clear, coherent, and well-reasoned legal arguments tailored to respond to the questions presented
 - Organization
- Appropriate citation

ORAL ARGUMENTS

1. All delegates shall wear appropriate business attire for official functions. Gentlemen shall wear a coat and tie. Ladies shall wear professional slacks or appropriate-length dresses or skirts. Casual dress such as Greek attire, ~~jeans, and~~ hoodies ~~and flip-flops~~ are unacceptable at official functions.

If the Clerk & Marshall receives a complaint about a competitor's attire, the Clerk and Marshall shall refer the complaint to the delegate's Head Delegate for action. ~~Jurors of View~~ **The presiding Justice** may also reduce the score for lawyers dressed unprofessionally.

2. Make every effort to arrive at the designated ~~courtroom~~ **Zoom meeting** early. If a team is not present at the designated start time for the appellate hearing, the Court may order that the team forfeit that appellate hearing. A reservation of rebuttal time by the Petitioner (if desired) and also the name of each team participant arguing the case and the time allocation desired for each of them must be submitted in writing to the Clerk and Marshall at the appellate hearing prior to the opening of the Court.

3. Attorneys participating in oral arguments shall not wear their nametags during AMC3 hearings, as these nametags reveal a delegate's school. Attorneys should not bring any school apparel or anything else identifying their school affiliation into oral argument hearings, ***nor have any such item visible on their webcam.*** In order to maintain the fairness of the competition, attorney participants shall at no time during or after an appellate proceeding reveal their college affiliation ~~to members of the Jury of View~~ **to the presiding Justice or magistrate.**

AMC3 participants are encouraged to wear their nametags at all other times to facilitate peer interaction. This includes in the hallways, during joint sessions of the General Assembly, at dinner, and at all other TISL functions.

~~4. A clerk shall command all present to rise upon the Judges' entry into the Courtroom. The Presiding Judge shall order the clerk to open the proceedings of the Court. After opening Court, the clerk shall command all present to sit.~~

5. The Presiding Judge shall order the clerk to call the Docket. The clerk shall call the Docket by announcing the team numbers of the Petitioner and Respondent to the case and the names of the

APPELLATE MOOT COURT COLLEGIATE CHALLENGE

participants for the team arguing for the Petitioner. The clerk shall then also announce the names of participants for the team arguing for the Respondent.

6. The Presiding Judge will then say “Petitioner you may begin your argument”. At that point, the first participant shall ~~approach the podium~~ *unmute*, and state “May It Please the Court, I am _____ for the Petitioner”, and begin his/her argument.

7. In arguing before the Court, you may use notes but always try to maintain eye contact with the Judges to the extent possible. When addressing the Court, whether in answering a question or otherwise, always address the Court or any judge as, “Your Honor...” Where appropriate, use hand gestures and/or voice inflections to emphasize key points.

8. The Petitioner usually begins with a very concise statement of the facts, unless the Presiding Judge indicates that a statement of facts is not necessary. Keep in mind that in an appellate court, the parties are not arguing about the factual issues that have usually been determined by the trial court. Thus, the Petitioner should be prepared to quickly move to a summary of the legal issues that are before the appellate court. After the brief summary, begin presenting your legal arguments point by point and citing cases or other authorities from the Table of Authorities to support your arguments. Begin with your strongest arguments first in the event that you run out of time.

9. You should expect to be interrupted by questions posed by the Judges. The proper handling of judges’ questions is one of the finest traits of the accomplished appellate attorney. Questions generally give you an opportunity to demonstrate your knowledge of the law that is applicable to the case.

Stop speaking when the Judge begins the questions and listen to the whole question before answering. Answer the question as quickly and to the point as you can. Do not evade the question. After answering, transition back into your arguments and continue.

10. When the time allotted for the first participant for the Petitioner is near exhausted, be sure to summarize your arguments and finish on time. At that point, the second participant to address the Court for the Petitioner should stand at the podium and await the signal from the Presiding Judge to begin.

11. If the Petitioner has reserved time for rebuttal, then after the participants have completed their arguments to the Court for the Respondent, the participant giving Rebuttal for the Petitioner ~~should stand at the podium and~~ await the signal from the Presiding Judge to begin.

Rebuttal is used to respond to arguments raised by the Respondent in argument before the Court. Responding to arguments by the Respondent also usually gives the Petitioner’s participant the opportunity to emphasize the strongest arguments raised by the Petitioners. Rebuttal may not be used to argue new issues before the Court.

12. The procedures for arguments by the Respondent’s participants are the same as that used by the Petitioner except for two points. First, the Respondent’s statement of the facts of the case is usually limited to pointing out any facts that the Respondent believes the Petitioner omitted or did not state accurately. Second, the Respondent is not entitled to give Rebuttal.

13. After the Petitioner has concluded Rebuttal, or if there is no Rebuttal after the Respondent has concluded argument, the Presiding Judge will order the Clerk and Marshall to adjourn Court.

~~14. The Clerk and Marshall will command all persons to rise. All persons will remain standing until the Judges have exited the Courtroom.~~

~~15. The members of the Jury of View shall complete scoring the Petitioner and Respondent teams. The Jury of View shall hold a brief oral critique session collectively with all four teams that participated in the appellate hearing. This critique session will take place after all four teams scheduled for a particular time slot have argued and not between oral arguments. Even after a round has concluded, competitors shall not reveal the school they attend to the Jury of View.~~

Jurors of View

Thank you for serving on a Jury of View for the Appellate Moot Court Collegiate Challenge (AMC3). You play a crucial role in the competition, as you will see.

Overview

AMC3 (www.AMC3.org) is overseen by the Tennessee Intercollegiate Supreme Court (TISC), which is selected and structured like the Tennessee Supreme Court.

Five justices are selected through a merit system involving applications, a student Nominating Commission and appointment by the Governor of TISL.

The justices elect the Chief Justice. The outgoing Court selects the next Attorney General. The current Court was installed last November and has been preparing all year.

TISC presides over AMC3, assisted in preliminary rounds by court-appointed magistrates to permit simultaneous operation of multiple courtrooms.

The AMC3 problem is published in August, and Tennessee colleges are encouraged to form legal teams of two to five members.

Each team submits a brief two weeks in advance for either the petitioner or the respondent (team's choice). Those are graded separately and count for one-third of each team's score in the competition. Oral arguments count for the remaining two-thirds.

None of these students are in law school. Nearly all are undergraduates, although non-law graduate students are also allowed. Some teams are coached by professional lawyers.

Your Role

Each round is observed by a Jury of View. **That's you!** Jurors score the participants and vote for a winner in each round of oral arguments.

1.

Ideally, each round is observed by three jurors, but our scoring system adjusts for more or less.

After two back-to-back rounds of oral arguments (less than 90 minutes total), jurors provide group feedback to the teams they watched (potentially four). Depending on whether another round is about to begin, you might need to move outside the courtroom.

Teams are intentionally identified by number to diminish perceptions of college bias. Teams should not identify their college in Court.

Arriving

Your first contact is the Clerk & Marshall at his/her desk outside the courtroom. The C&M will direct you to your assigned courtroom.

Clerk & Marshall's Desk

Thursday & Friday	Cordell Hull Building, 2 nd Floor
Saturday	Old Supreme Court Chamber, State Capitol
Sunday	Tennessee Supreme Court Building Lobby

The Deputy Clerk & Marshall in each courtroom will have your materials such as ballots and scoresheets. At the end, please return your materials to the Deputy C&M.

For each round, please mark a ballot designating which team won the round. This is primarily an either/or designation and is the primary factor in determining which teams advance in the competition.



TIP THE SCALES



Undergraduates will enjoy a rare opportunity to participate in an appellate moot court through AMC3, a program of the Tennessee Intercollegiate State Legislature Foundation.

Learn how to analyze precedents and write a brief.
Then, stand before the Tennessee Intercollegiate



Supreme Court at the State Capitol and make your case.

Explore your skills as a lawyer and advocate.
Perhaps you can tip the scales in your client's favor.

SPECIAL ADVISERS

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