

THE THIRTY-FOURTH ANNUAL AUGUST A. RENDIGS, JR. NATIONAL PRODUCTS LIABILITY MOOT COURT COMPETITION

UNIVERSITY OF CINCINNATI COLLEGE OF LAW
JT MALONE AND ARIEL SHUSTER
RENDIGS COMPETITION
CO-DIRECTORS
February 19-20, 2021

COMPETITION RULES

RULE 1. Registration.

Registration and payment must be received no later than *Friday December 11, 2020* at 5 PM EST to guarantee registration in the competition. Registration should be emailed to:

Rendigmootcourtcompetition@gmail.com

<https://www.eventbrite.com/e/august-a-rendigs-jr-national-products-liability-moot-court-competition-tickets-37986862729>

RULE 2. Teams.

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- a) Each ABA-accredited law school may enter teams on a first-come, first served basis. Each law school may enter no more than two teams. Teams may consist of 2 or 3 students. Only two team members may argue during any one argument.
 - b) No team member may hold a law degree. Each member must be enrolled in a full or part-time Juris Doctorate or equivalent program in the law school he or she represents, and each participant must be a member of their law school moot court team or a functional equivalent.
 - c) There shall be no replacement of team members after service of briefs except with the express written consent of the University of Cincinnati Moot Court Executive Board (the "Board"). Consent will be given at the sole discretion of the Board, and only in extraordinary circumstances.

RULE 3. Briefs.

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- a) The Board will *assign* each team to write a brief for either the Petitioner or the Respondent. A team identification number assigning each team's side for the briefs *will be emailed to the team representative* on Friday, December 18, 2020. If you have not received this information by Sunday, December 20, 2020, please contact the Board immediately. Note that while a team will write a brief on the assigned side, team members must be prepared to orally argue *both sides* of the case before the Court.
 - b) The rules of the Supreme Court of the United States govern the format of the brief (available at <http://www.supremecourt.gov>). The brief shall be limited to 35 double-spaced 8.5 x 11 inch pages with 1-inch margins on all sides. The typeface must be 12-point Times New Roman. The Bluebook citation rules shall govern the citation format

of the brief (Harvard Law Review Association, A Uniform System of Citation, 20th ed. July 2015).

- c) Each brief shall include a cover page, Questions Presented, Table of Contents, Table of Authorities, Statement of the Case, a Summary of the Argument, an Argument section, and a formal Conclusion. The brief is limited to 35 pages. The page limit does not include the cover page, Questions Presented, Table of Contents, Table of Authorities, nor any Appendices. A jurisdictional statement is not required.
- d) Briefs will be graded on an anonymous basis. Every brief shall contain only *one* cover page. This cover page shall identify the submitting team by listing *only* the team number. Teams shall in no way identify their team or school name elsewhere in the brief.

RULE 4. Service of Briefs.

- a) ***An electronic copy.*** Each team must submit a digital media copy of their brief to the Board no ***later than 11:59PM EST on Sunday, January 17, 2021.*** The electronic copy shall have only one cover page identifying the submitting team by listing only the team identification number. See Rule 3(d).
 - 1) The electronic copy must be submitted as a PDF.
 - 2) The electronic copy must also be submitted as a Word Document.
 - 3) The electronic copy must be sent as an email attachment to rendigsmootcourtkompetition@gmail.com. The subject line of the electronic copy submission must contain only the following: "Team _____ Brief." Teams must fill in the blank with their own team number.
- b) Failure to comply with the deadlines will result in a ***20-point deduction*** from the brief score for ***each day*** that a team's submission is incomplete. The maximum deduction is 100 points.
- c) The ***two*** copies of the brief, one in PDF form and one in a Word Document, required by Rule 4(a) above shall be identical reproductions of the brief. They shall be reproduced by any duplicating or copying process that produces a clear image on an 8.5 x 11 inch white paper. Carbon copies shall not be submitted. The copying process shall not impart any alteration to the character size of the original brief, and all copies must be professionally bound.
- d) Once the briefs have been submitted to the Competition, no revisions will be allowed.
- e) Competitors will receive a confirmation email upon receipt of their brief not later than ***12:00PM EST on Monday, January 18, 2021.***

RULE 5. Certification, Compliance, and Outside Assistance.

- a) ***No team shall receive outside assistance of any kind prior to the filing of its brief.*** No person who is not a member of the team may assist a team in any way in the preparation of its brief. Only the members of the team shall perform editing and proofreading of the brief.
- b) No person who is not a member of the team may assist a team in the particularized and substantive preparation of its oral argument, except that this rule should not be construed to prohibit the stylistic judging and general critique of the practice

arguments by others. Teams from the same school competing in this competition shall not share research, hear practice arguments before each other, or collaborate with each other in any way.

- c) The Board will consider a submitted brief to constitute each team member's attestation that no member has received impermissible assistance with preparation of the team's brief and that the entire team has complied with all provisions contained in this section herein.
- d) No member or advisor of any team still participating in the Competition shall attend the argument of any other teams or receive information from any person who has attended such an argument. Teams may be subject to penalty for violating this Rule 5(d).
- e) All rounds are open to the public, within the constraints imposed by Rule 5(d). No recording devices are permitted in the oral argument rooms, though notes may be taken in handwriting.

RULE 6. Time and Place of Oral Arguments.

- a) Oral arguments will be held *remotely* at times and places designated by the Board. A schedule of argument times will be posted on the Competition's website at: <https://www.law.uc.edu/current-students/student-orgs/moot-court-program/rendigs>. Oral arguments will be conducted via Zoom. A link to the remote registration room will be sent on Wednesday, February 17, 2020. Check-in will be held on Friday, February 19, 2020 from 11:00 AM to 1:00 PM EST. Any team checking in after 1:00 PM on Friday, February 19, 2020, will receive a 5-point penalty towards their first Preliminary Round oral argument scores. The registration times are subject to change at the discretion of the Board and with notice to all teams.
- b) Oral arguments shall be limited to a total of 30 minutes per team. Counsel for Petitioner may reserve time for rebuttal by informing the bailiff prior to the commencement of the round and *petitioning the judges at the beginning of the oral argument*. This time may be waived by the Petitioners following the close of Counsel for Respondent's argument. Failure to request rebuttal at the beginning of the argument may result in the forfeiture of rebuttal time at the discretion of the bench. The 30 minutes, less rebuttal time, may be allocated between the two oralists so long as each oralist argues for at least 10 minutes. Counsel for Petitioner will argue their case in its entirety at the outset, followed by Counsel for the Respondent. If rebuttal time has been reserved, only one counsel for the Petitioner may argue in rebuttal. Although counsel may introduce himself or herself to the court in the usual manner, the *team may not mention its law school affiliation at any time before, during, or after the oral arguments*.
- c) During oral argument rounds, any quiet and non-distracting communication (such as quietly passing a note) between the two-team members arguing for that round is permitted. Competitors in separate locations may communicate through email or text. However, communications between the two arguing team members and any third parties such as the third (non-arguing) team member, coach, or faculty advisor is strictly prohibited. *See* Rule 6(i).
- d) All Competitors for the Petitioner and Respondent shall turn their cameras on for the entirety of the oral argument round. The side that is not currently arguing shall remain

muted. Coaches shall remain muted with video off. Third parties will not be admitted to any round.

- a. Any coach seeking to join after the start of the round will not be admitted.
- e) Professional attire shall be worn by all competitors.
- f) Competitors should make every effort to ensure there is nothing distracting in the background of their video.
 - a. Competitors must ensure that there is nothing in the background of their video which identifies their school.
- g) Competitors may sit or stand during oral argument but are encouraged to limit distracting movements as much as possible.
- h) Competitors may use headsets or headphones as necessary.
- i) Competitors may choose to be in the same room or in separate locations for their oral arguments.
 - a. If competitors are in the same room, they must each be logged into their own account. The competitor who is not arguing must remain muted, with their computer audio turned off to prevent any feedback issues.
 - b. If competitors are in separate locations during oral arguments, they are permitted to communicate with each other through email or text. Competitors may not communicate with coaches or third parties during oral argument. Competitors are not permitted to do any legal research during oral argument.
- j) Similarly, coaches must be alone with their computer cameras off for the duration of oral argument. In the event that they are in the same city as one or more of their team members, they will not be allowed to be in the same room.
- k) All coaches must log in via their own device in their own rooms.
- l) The bailiff in each courtroom shall be the official timekeeper. No audible or otherwise distracting timekeeping devices are permitted in the courtrooms. The bailiffs have no authority other than timekeeping, and shall not be consulted with questions regarding rules interpretations or any other substantive questions regarding the competition. Questions shall be directed to any University of Cincinnati College of Law Moot Court Board Member.
 - a. The Bailiff will be permitted to stop the competitor if they have gone over their time and were not granted permission to do so by the judge.
 - b. If there are any technical issues during the argument, the Bailiff will stop the time to address and attempt to fix the technical issue. Competitors should continue to argue when instructed to do so.
 - c. After any technical issue, the Bailiff will adjust the timer to appropriately account for any time lost due to the technical issue.
 - d. A 5 minute warning will **not** be given. Competitors must monitor the screen and observe the stop watch to keep track of their time.
- m) Each year the Board strives to bring many distinguished members of the bar and bench to judge oral arguments. In the event of a shortage of judges for the preliminary, quarterfinal, and semi-final rounds, ***it is possible that a team may be evaluated more than once by a judge. However, the Board will make every effort to avoid such a scenario.***
 - a. Judges will interject with questions as the competitors argue.

- b. Judges, competitors, and coaches will not be permitted to use the chat function of Zoom at any point in time.
- n) After the rounds, competitors will be placed into a waiting room while the Judges tabulate their scores. Teammates, may, if they wish, speak to each other in this waiting room but Petitioner and Respondent will be in the same room. After the judges' have tabulated their score, competitors will be brought back into the courtroom to hear feedback from the judges.
 - a. Substantive comments on the law will not be permitted.
 - b. The time for feedback will be timed by the Bailiff and limited to a total of 15 minutes.

RULE 7. Sequence of Competition Rounds.

- a) **Zoom Courtroom:** Competitors and coaches must enter their designated Zoom 15 minutes prior to the start of the round. Judges will be placed in one waiting room and competitors will be placed in another. The bailiff will enter the competitors' waiting room to clarify rebuttal time and edit competitors named to reflect the order of arguing. The order will go as follows:
 - a. P1 - Jane Doe
 - b. P2 - John Doe
 - c. R1 - Jane Smith
 - d. R2 - John Smith
- b) **Preliminary Rounds:** The Preliminary Rounds will be emailed to all teams containing a link to each respective Zoom courtroom. Each team shall argue in each round. Additionally, no two teams shall be paired against each other more than once. In the event of an odd number of teams in the Preliminary Rounds, the Board will provide a "ghost" team from the University of Cincinnati (the "ghost" team will not be permitted to advance to the Final Rounds).
- c) **Final Rounds.** The Board will organize the final rounds in a seeded, playoff style bracket. Teams will be seeded based on their overall performance in the preliminary rounds. The remainder of the competition will be conducted as a single elimination competition, with only the winners of each individual pairing advancing to the next round. ***The brackets will NOT be re-seeded after each round of competition.***
 - 1) **Quarterfinal Rounds:** The eight highest-scoring teams from the Preliminary Rounds shall advance to the Quarter-Final Round.
 - 2) **Semi-Final Round:** The four winning teams from the Quarter-Final Round match-ups shall advance to the Semi-Final Round.
 - 3) **Final Round:** The two winning teams from each Semi-Final Round shall advance to the Final Round.

RULE 8. Advancement in the Competition.

- a) The Board will announce the eight teams advancing to the Quarter-Final Round in an email sent on Friday evening, February 19, 2021. ***Those teams advancing must confirm receipt of the email to advance in the competition.***
- b) Advancement in the Competition shall take place according to the following criteria:

- 1) *Preliminary Rounds*: Each round score is comprised of a combination of a team's average brief score and average oral argument score (50% brief and 50% oral argument scores). The combined scores will be ranked and the teams with the top eight combined scores will advance to the Quarter-Final Round. In the event of a tie, the team with the highest average oral score will advance.
- 2) *Quarter Final Round*: In each of the four quarter final pairings, the team with the higher Quarter-Final Round score will be the winner, and advance to the Semi-Final round. Each score in the Quarter-Final Round is determined by combining a team's average brief score and average oral argument score (30% brief and 70% oral argument scores). Ties will be broken as set out in Rule 8(b)(1). Teams will be seeded in the Quarter-Final Round so that seed #1 argues against seed #8; seed #2 v. seed #7; seed #3 v. seed #6; and seed #4 v. seed #5. Petitioner and Respondent will be determined by a coin toss, with the team winning the toss given the choice between Petitioner and Respondent. The higher seeded team will call the coin toss. A member of the Board will enter each Zoom courtroom to do the coin toss before bringing the judges into the courtroom.
- 3) *Semi-Final Round*: In each of the two semi-final pairings, the team with the higher Semi-Final Round score will be the winner, and advance to the Final Round. Each score in the Semi-Final Round is determined by combining a team's average brief score and average oral argument score (20% brief and 80% oral argument scores). Ties will be broken as in Rule 8(b)(1). Petitioner and Respondent will be determined by a coin toss, with the team winning the toss given the choice between Petitioner and Respondent. Again, the higher seeded team will call the coin toss. A member of the Board will enter each Zoom courtroom to do the coin toss before bringing the judges into the courtroom.
- 4) *Final Round*: The winner of the Final Round is determined by the highest aggregate brief score and oral argument score (10% brief and 90% oral argument scores) for that round. Ties will be broken as set out in Rule 8(b)(1). Petitioner and Respondent will be determined by a coin toss, with the team winning the toss given the choice between Petitioner and Respondent. Again, the higher seeded team will call the coin toss.

RULE 9. Scoring.

- a) The brief score for each team will be determined by averaging scores assigned by the brief judges. Each team's brief will be scored by at least three judges.
- b) The oral score for each round shall be determined by a panel of judges without the knowledge of the brief grade.
 - a. The judges will be instructed not to consider competitors' attire, background, or technical issues as a part of their oral argument score.
- c) Any point penalty provision contained in these Rules, such as late briefs or late registration check in, may be waived at the discretion of the University of Cincinnati Moot Court Board for legitimate and exigent circumstances on a case-by-case basis
- d) The Competition will conclude with the selection of the First Place team, the Second Place team, the Best Petitioner's Brief, the Best Respondent's Brief, and the Rendigs,

Fry, Kiely & Dennis Award for the Best Overall Oralist. The Best Overall Oralist will be determined on the basis of results from the Preliminary Rounds. To be considered for the Oralist award, a competitor must argue in at least 2 of the Preliminary Rounds.

RULE 10. Powers of the Board.

- a) The Board shall have sole discretion to assess penalties or to disqualify any team for failure to abide by the rules of the Competition.
- b) The Board shall have sole discretion to make all necessary interpretations of or amendments to these Rules, or to modify or waive any rule. All requests for interpretations regarding brief submissions ***must be submitted by email*** to the Board at rendigsmootcourtcompetition@gmail.com ***no later than 11:59pm EST on Friday, January 8, 2021***. An email clarifying brief issues will be sent on ***Monday, January 11, 2021***. All requests for interpretations regarding the oral competition rounds must be submitted by email to the Board ***no later than 11:59pm EST on Wednesday February 17, 2021***. Procedural explanations will be provided to the extent possible as they arise throughout the writing and competition periods.
- c) The Board shall have the sole discretion to answer substantive inquiries concerning the Transcript of the Record and all other papers that constitute the Problem.
- d) Any interpretations, modifications, waivers, or substantive answers to inquiries with respect to the problem rendered by the Board shall be forwarded to all teams in writing via e-mail. Only rulings addressed in this manner shall be considered official. The Board reserves the right not to answer any substantive question.
- e) The Board shall have sole discretion to resolve any disputes that may arise during the Competition. Any objections shall be submitted to the Rendigs Co-Directors ***in writing***. For any disputes regarding a specific round of competition, the disputing team must raise the issue with the Rendigs Co-Directors before the next round begins.
- f) ***The Board, in its sole discretion, shall interpret these rules. Any decision by the Board regarding the interpretation of these rules will be final.***

RULE 11. Duties of the Competitors

- a) ***Rule Ambiguity.*** If any team member has a question regarding the interpretation of any of the competition rules, the team member has an absolute duty to ask the Co-Directors to clarify the ambiguity. Any resolution of the ambiguity will be emailed to all teams by the Co-Directors, and will be addressed in accordance with Rule 10. If a team fails to ask about any ambiguity to their detriment, then the original interpretation by the Board of that specific rule will stand.
- b) ***Professionalism and Congeniality.*** Any team or team member who has any issue with the Competition, the Board, adversaries, bailiffs, judges or anyone else involved with the competition must resolve these issues in a professional and congenial manner. Any team or team member failing to do so will be subject to penalties, up to immediate disqualification from the competition, in the sole discretion of the Board.