

**THE TWENTY-THIRD ANNUAL AUGUST A. RENDIGS, JR.  
NATIONAL PRODUCTS LIABILITY MOOT COURT COMPETITION**

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UNIVERSITY OF CINCINNATI COLLEGE OF LAW

RYAN SCHMIT, RENDIGS DIRECTOR

April 8-10, 2010

**COMPETITION RULES**

**RULE 1. Teams.**

- a. Each ABA-accredited law school may enter 1 or 2 teams on a first-come, first served basis. Teams may consist of 2 or 3 students. ***All team members are required to participate in writing the team's brief, and all team members are required to argue orally in at least one of the Preliminary Rounds.*** Only two team members may argue during any one argument.
- b. No team member or editor 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.
- 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 2. Briefs.**

- 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 Monday, February 8, 2010. ***If you have not received this information by Wednesday, February 10, 2010 please contact us immediately. Note that*** while a team will write a brief on the assigned side, team members must be prepared to argue both sides of the case orally before the Court.
- b. The rules of the Supreme Court of the United States govern the format of the briefs (<http://www.supremecourtus.gov/ctrules/rulesofthecourt.pdf>). The brief shall be limited to 35 double-spaced 8 1/2 x 11 inch pages with 1 inch margins on all sides. The typeface must be 12-point Times New Roman. The Blue Book citation rules shall govern the citation format of the brief (Harvard Law Review Association, A Uniform System of Citation, 18th ed. 2005).
- c. Each brief shall include a Statement of the Case, a Summary of the Argument, an Argument section, and a formal Conclusion within the 35 page limit. The page limit does not include the cover page, Questions Presented, Table of Contents, Table of Authorities, and Appendices. A jurisdictional statement is not required.

- d. Briefs will be graded on an anonymous basis. The **original** submitted brief shall include 2 cover pages. The first cover page shall identify the submitting team by listing the team name, team number, and the names of the individual team members. The second cover page shall identify the submitting team by listing **only** the team identification number. ***All other copies of submitted briefs shall have only 1 cover page identifying the submitting team by listing only the team identification number.*** Teams shall in no way identify their team or school name elsewhere in the brief.

RULE 3. Service of Briefs.

- a. ***The printed copies.*** Each team shall submit the **original** brief in accordance with 2(c). The original brief must be clearly indicated as such. In addition, each team shall submit 6 additional copies of the brief. The original brief and the 6 copies (together, the “printed copies”) must **be postmarked** no later than ***Friday, March 12, 2010***, and should be mailed to:

Moot Court Honor Board  
University of Cincinnati College of Law  
ATTN: Ryan Schmit, Rendigs Director  
PO Box 210040  
Cincinnati, OH 45221-0040

Neither postmarks issued by private meters nor mere delivery into a school’s outgoing mailbox or system will be acceptable as evidence of timely service. Each team is responsible for obtaining evidence of service of briefs in the event of any dispute.

- b. ***The electronic copy.*** In addition to the printed copies, each team must submit a digital media copy of their brief to the Board (the “electronic copy”) no later than ***11:59PM on Friday, March 12, 2010***. The electronic copy shall have only 1 cover page identifying the submitting team by listing only the team identification number. See Rule 2(d).
  - 1. The electronic copy may be submitted as a PDF file or in Microsoft Word (2003 version or higher).
  - 2. The electronic copy must be sent as an email attachment to Rendigs2010@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.
  - 3. The email attachment must contain only one electronic copy of the submitted brief.
- c. 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.*** A team’s submission will be considered incomplete until ***both*** the printed copies and the electronic copy have been received. The maximum deduction is 100 points.

- d. The 6 copies of the brief required by Rule 3(a) above shall be identical reproductions of the original brief. They shall be reproduced by any duplicating or copying process that produces a clear black image on an 8 1/2 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, either with black tape or black spiral binding.
- e. Once the briefs have been submitted to the Competition, no revisions will be allowed.

#### RULE 4. Certification and Outside Assistance.

- a. Each team member shall be listed by name on an affidavit of compliance (the "Affidavit") distributed with the problem. Each team member shall sign the Affidavit. The Affidavit certifies that the brief has been prepared in compliance with the Rules of the Competition, and is the work product solely of the team's two or three members. The Affidavit must be submitted with the original brief to the Board at the University of Cincinnati College of Law Moot Court Board.
- b. *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. Editing and proof-reading of the brief shall be performed solely by the members of the team.
- c. 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.
- 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.
- e. All rounds are open to the public, within the constraints imposed by Rule 4(d). No recording devices are permitted in the oral argument rooms, though notes may be taken in handwriting.

#### RULE 5. Time and Place of Oral Arguments.

- a. Oral arguments will be held in Cincinnati, Ohio at times and places designated by the Board. A schedule of argument times will be posted on the Competition's website at:  
<http://www.law.uc.edu/current/organizations/moot-court/rendigs.shtml>

and will be distributed at designated competitor's check-in times. Registration will be held on Thursday, April 8, 2010, between 5:00p.m. and 7:00p.m. for teams arriving on Thursday. Late registration will be held for teams arriving on Friday, April 9, 2006 between 10:00 a.m. and 12:00p.m. Any team registering after 12:00 p.m. on Friday, April 9, 2010 will receive a 5 point penalty towards their first Preliminary Round oral argument scores.

- 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 themselves 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 nondistracting communication (such as quietly passing a note) between the two team members arguing for that round is permitted. 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. Accordingly, any third team member not arguing during that round is prohibited from sitting at table for counsel.
- d. 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 U.C. Moot Court Board Member.

#### RULE 6. Sequence of Competition Rounds.

- a. Preliminary Rounds: There will be 3 Preliminary Rounds. Each team shall argue in each round. A team will not argue the same side of the case in all three of the Preliminary Rounds. 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 (which team will not be permitted to advance to the Final Rounds).

- b. **Final Rounds.** The Board will organize the final rounds in a seeded, play-off style bracket. 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. *Quarter-Final Rounds:* The 8 highest-scoring teams from the Preliminary Rounds shall advance to the Quarter-Final Round.
  - 2. *Semi-Final Round:* The 4 winning teams from the Quarter-Final Round match-ups shall advance to the Semi-Final Round.
  - 3. *Final Round:* The 2 winning teams from each Semi-Final Round shall advance to the Final Round.

RULE 7. Advancement in the Competition.

- a. The Board will announce the eight teams advancing to the Quarter-Final Round at the Rendigs Banquet held on Friday evening, April 9. All teams must be present at this banquet to advance in the competition.
- b. Advancement in the Competition shall take place according to the following criteria:
  - i. *Preliminary Rounds:* Each round score is comprised of a combination of a team's average brief score and average oral score (50% brief and 50% oral scores). The combined scores will be ranked and the teams with the top eight 8 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.***
  - ii. *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 score (30% brief and 70% oral scores). Ties will be broken as set out in Rule 7(a)(i). 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. However, the seeding assignments are confidential and will not be posted, nor will any team be told of their seeding rank. Petitioner and Respondent will be determined randomly by the Board.
  - iii. *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 score (20% brief and 80% oral scores). Ties will be broken as in Rule 7(a)(i). Petitioner and Respondent will be determined by a coin toss, with the team winning the toss given the choice between Petitioner and Respondent.

- iv. 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 scores) for that round. Ties will be broken as set out in Rule 7(a)(i). Petitioner and Respondent will be determined by a coin toss, with the team winning the toss given the choice between Petitioner and Respondent.

#### RULE 8. 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.
- c. The Competition will conclude with the selection of the First Place team, the First Place Runner-up, 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 9. 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 must be submitted **by email** to the Board at ***Rendigs2010@gmail.com no later than*** 11:59pm EST on Monday, March 8, 2010.
- 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. All such inquiries must be submitted **by email** to the Board at ***Rendigs2010@gmail.com no later than*** 11:59pm EST on Monday, March 8, 2010.
- 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. 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 Director **in writing**. For any disputes regarding a specific round of competition, the disputing team must raise the issue with the Rendigs Director in writing 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 10: 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 Rendigs Director to clarify the ambiguity. Any resolution of the ambiguity will be emailed to all teams by the Rendigs Director. If a team fails to ask about any ambiguity to their detriment, then the original interpretation of 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.
- c. ***Courthouses.*** In order to provide the best experience possible, the Board arranges to hold all oral arguments in state and federal courthouses. As a condition of its use, the Board has agreed to not disturb the placement of furniture, equipment and electronics. By competing in the competition, all competitors agree that they will not move any furniture, including the podium, or disturb any equipment and electronics, even if a judge asks the competitor to move it. Any violation of this rule will result in the imposition of penalties at the discretion of the Board.