

# LOUISIANA STATE UNIVERSITY BOARD OF ADVOCATES DEAN'S CUP COMPETITION RULES AND PROCEDURES

## I. Competitor Eligibility

- a. Participation in the Dean's Cup Competition is open solely to students in their second or third years of study at the Louisiana State University Law Center. LLM candidates may participate in the competition with the express written permission of the Director of Advocacy Programs.
- b. Eligible students must prepare for and compete as **individuals** in this competition. No teams will be permitted.
- c. Participating students must notify the Board of Advocates of any time conflicts for all rounds at the time of registration. The Board of Advocates shall attempt to make every reasonable accommodation for such conflicts. In no event shall an accommodation move the date of the Final Round.
- d. Participating students have a continuing obligation to inform the Board of Advocates of scheduling conflicts following the close of registration.
- e. Any participating student who fails to appear for their scheduled competition round, who fails to inform the Board of Advocates of a scheduling conflict, or who is otherwise unable to compete within 24 hours of a scheduled round shall forfeit the competition. In the event of a forfeit, the next ranked competitor shall advance to that student's position, but will be seeded as their initial rank would dictate.

## II. Competition Procedures

- a. This competition shall simulate oral arguments before the United States Supreme Court. All rules and procedures of the United States Supreme Court as to oral argument shall apply. Where the rules of the Dean's Cup competition and any other rules conflict, the rules of this competition shall control.
- b. This competition is based solely on the competitors' skill at oral argument. Competitors shall not be required to undertake any writing in conjunction with this competition, and no written material by competitors shall be considered in judging this competition.
- c. Each round of the competition will consist of oral argument in a case currently pending before the United States Supreme Court, to be selected by the Director of Advocacy Programs.
  - i. A first case selected by the Director of Advocacy Programs shall be used for arguments in all preliminary rounds.

- ii. A second and different case shall be selected by the Director for argument in the Quarterfinal and Semifinal Rounds.
  - iii. A third and different case shall be selected by Director for argument in the Final Round.
- d. Competitors shall be provided and may rely upon copies of all relevant prior decisions in each case, the petition for writ of *certiorari* (if any) and any opposition thereto, and the briefs on the merits submitted by the parties to that case. These documents shall constitute the record submitted to the competition judges, along with a Bench Memorandum to be prepared by the Board of Advocates.
- e. Competitors may also utilize publicly-filed amicus briefs submitted to and accepted by the United States Supreme Court in that case in preparing their argument. However, competitors should note that these *amici* will not be provided to the judges.
- f. Competitors may not cite to any case law, statutes, rules, briefs, or any other legal materials not contained within the materials noted in Rules II(d) and II(e).
- g. Competitors may not invent any fact not specifically noted in any of the materials noted in Rules II(d) and II(e), and are bound to the facts as presented in the briefs. This rule does not allow for inferences of any sort, but does allow for the court to take judicial notice as contemplated in the Rules of the United States Supreme Court and Federal Rule of Evidence 201.
  - i. To the extent a competitor relies upon facts presented in and only in an *amicus* brief, that competitor must specifically and explicitly state that the fact comes from an *amicus* brief in their oral argument.
- h. In the event a case is selected in which more than two parties are present before the court, competitors shall argue on behalf of the first named petitioner or the first named respondent, but may utilize the briefs of other named parties as *amici* as set forth in Rule II(e). In the event of intervention by the United States, competitors shall argue on behalf of the named parties as described above, but may utilize the brief of the United States as an amicus as set forth in Rule II(e).
- i. Timing:
  - i. In all preliminary rounds, each competitor shall have up to twelve (12) minutes in which to present oral argument. Petitioners may reserve up to three (3) minutes for rebuttal. No sur-rebuttal shall be permitted.
  - ii. In the Quarterfinal and Semifinal Rounds, each competitor shall have up to twenty (20) minutes in which to present oral arguments. The petitioner may reserve up to five (5) minutes for rebuttal. No sur-rebuttal shall be permitted.

iii. In the Final Round, each competitor shall have up to thirty (30) minutes in which to present oral arguments. The petitioner may reserve up to five (5) minutes for rebuttal. No sur-rebuttal shall be permitted.

j. Participants may not observe any rounds other than those in which they are competing until such time as they are eliminated from the competition. Only the Final Round is open to the public; the preliminary rounds and all advanced rounds other than the Final Round may only have guest observers with the express consent of both counsel present and the round's judges.

### III. Pairing and Scoring Procedures

a. A "ballot" is a scoresheet for a round of this competition that has been completed and filled out by one scoring judge. A "win" for a judge is determined by comparing the petitioner's aggregate score on a ballot to the respondent's score on that same ballot.

b. Preliminary Rounds:

i. In the Preliminary Rounds, each competitor shall argue three times, once as Petitioner, once as Respondent, and a third time as a side to be randomly determined by the Board of Advocates. As there are only two nights of preliminary rounds, whenever possible competitors shall argue for the same side twice in one night.

ii. Competitors shall be judged by two (2) judges per round in the Preliminary Rounds.

iii. Advancement shall be based first on win-loss record. Competitors may "win" each judge individually; thus, competitors with a 6-0 win-loss record shall be ranked highest, followed by competitors with a 5-1 record, then 4-2, 3-3, 2-4, 1-5, and 0-6. In the event of a tie, the competitor with the highest mean score from all ballots from the Preliminary Rounds shall advance or rank higher. In the event of a continued tie, the advancing competitor shall be determined by point differentials in the Preliminary Rounds.

c. Advanced Rounds:

i. Following the Preliminary Rounds, the eight advancing competitors into the Quarterfinals shall be power-seeded based first on win-loss record and then mean score across all ballots in the Preliminary Rounds. Power-seeding means that the competitor ranked as the first seed will face the eighth seed, the second seed will face the seventh seed, and on. This power-seeding shall control for all subsequent advanced rounds.

- ii. The competitor with the higher seed shall have the pleading option for each advanced round. That competitor must notify the Board of Advocates within 12 hours of the advancement announcement of the side it elects for the next advanced round. Pleading option shall be re-determined for each advanced round.
- iii. Advancement in all advanced rounds shall be by win-loss for ballots in that advanced round, and in the event of a tie, by aggregate point score across all ballots for that advanced round.
- iv. Teams shall be judged by an odd-numbered panel of judges in each advanced round (minimum of 3 judges).

#### IV. Awards

- a. The winner of the Final Round shall be awarded the Dean's Cup.
- b. Certificates shall also be awarded to the following:
  - i. The second-place competitor in the Final Round.
  - ii. All competitors who advance to the Semi-Finals.
  - iii. The top oralists from the Preliminary Rounds based on mean score in the Preliminary Rounds. The number of oralists to receive top oralist awards will be determined by the Director of Advocacy Programs based on the total number of competitors.