



Official Rules for the 2023 Judge Thomas Tang and Dr. Pearl Tang Moot Court Competition

I. Introduction

The Judge Thomas Tang and Dr. Pearl Tang Moot Court Competition (Competition) is an appellate advocacy competition sponsored annually by the National Asian Pacific American Bar Association Law Foundation (NAPABA Law Foundation or NLF), which is an IRC § 501(c)(3) non-profit, charitable, and educational affiliate of NAPABA. The purpose of the Competition is to give law students an opportunity to develop advocacy skills by simulating written brief submissions and oral arguments before an appellate bench.

The Competition was founded in 1993 and is named in honor of the late Honorable Thomas Tang, a respected jurist who served on the United States Court of Appeals for the Ninth Circuit from 1977 until his passing in 1995. During his eighteen-plus-year term, Judge Tang demonstrated a strong commitment to civil rights for all people. Judge Tang was also known for his kindness and warmth and for his leadership in the Asian-Pacific-American legal community. In that role, he provided tremendous support to NAPABA and its activities, including creating this Competition.

II. Administration of Rules

The Competition is administered by The Judge Thomas Tang and Dr. Pearl Tang Moot Court Competition National Committee (National Committee), which consists of a Chair appointed by the NAPABA Law Foundation Board, and such appointees as the Chair may select. The Chair reserves the right to amend the Rules and to make final decisions regarding any aspect of the Competition. These Rules are dated **August 22, 2023** and replace all prior versions. These Rules apply to all phases of the Competition.

The Chair is specifically vested with the authority to resolve all disputes not specifically addressed by these Rules.

III. Use of the Thomas Tang Moot Court Competition Problem

The Judge Thomas Tang and Dr. Pearl Tang Moot Court Competition Problem and Bench Memo are proprietary materials and may not be used without the written permission of the National Committee, except for intramural competitions to select teams for the Competition.

IV. The Competition

The National Committee shall set the number of regions and locations of each Regional Competition.

The Regional Competition will consist of oral argument and brief writing components. Each Regional Champion, based on both oral argument and brief scores, will advance to the National Competition. Each Runner-Up may be substituted in circumstances which necessitate a substitution.

The National Committee may select the next-highest-scoring teams from Regionals to compete in the National Competition. Such teams will be chosen using the following criteria: (1) number of teams that registered in a region and (2) Regional Competition seeding. Higher-seeded teams from regions with more registered teams will receive priority.

Twelve teams will advance to the National Competition. In addition to the six (6) Regional Champion teams, the National Committee may invite foreign law school teams that did not participate in the Regional Competition to compete.

The National Competition will hold oral arguments and brief writing on independent tracks with champions for each scored separately.

V. Registration

Participation is open to all students currently enrolled and in good standing in law school who have completed the first year of law studies.

Teams must register for the Competition by (1) completing the online registration form at <https://www.napabalawfoundation.org/ttmc>, which includes an acknowledgment and certification that each team member is currently enrolled in law school, completed a first year of law studies, and is in good standing, and (2) paying a \$550.00 per team non-refundable registration fee.

Registration is not complete unless both requirements are fulfilled. The deadline for registration is posted on the Competition's website. A team must complete the above registration procedure before its brief will be accepted.

Registration is limited to the first twelve (12) teams to complete registration in each respective region. Each registered team will be notified of its Regional Competition oral argument date and time after the registration deadline.

Teams will be allowed to register after the registration deadline but before the brief service deadline only under extenuating circumstances as considered by the National Committee. A team cannot register under any circumstances after the brief service deadline.

The Case Problem is posted on the Competition's website. Teams experiencing difficulties downloading the Problem can contact the National Committee at thomastangmootcourt@gmail.com.

VI. Teams

- A. Each team shall consist of two students. Alternates and substitutes may be named prior to the registration deadline or in emergency situations with the consent of the National Committee. Teams cannot compete with only one team member at the Regional or the National Competitions.
- B. A team may be composed of students from different law schools only with the prior consent of the National Committee.
- C. Each law school may enter a maximum of two teams.
- D. The final work product of each team must be exclusively that of its members.
- E. There shall be no substitution in a team's membership after the brief service deadline, except under extenuating circumstances and with prior consent of the National Committee.
- F. No competitor may be a member of more than one team nor participate in another team after withdrawing from a team that has already submitted a brief.
- G. The National Committee will designate the party (Petitioner/Respondent) that each team is to represent in its written brief and assign an official team number to each team.

VII. Briefs

- A. Each team shall prepare one brief on behalf of the party it has been designated to represent.
- B. The Rules of the U.S. Supreme Court are adopted in full, subject to the following specifications:
 1. **COVER PAGE:** Cover pages need not be on colored paper. The cover page of the brief will contain the usual designation that would appear for the court in which the case is set. However, no information which identifies or tends to identify the school of the competitors, other than the official team number assigned by the National Committee, shall appear on the cover or in any other place on the brief. The official number must be placed on the upper right-hand corner of the cover page, with a “P” for Petitioner or an “R” for Respondent.
 2. **LENGTH:** The argument section of each brief must not exceed twenty pages. The page limit includes only the argument itself, the conclusion, and footnotes/endnotes. The cover page, questions presented, table of contents, table of authorities, statutory or constitutional provisions involved, statement of the case, and summary of the argument are not included in the page limit.
 3. **TYPEFACE:** The typeface used for all briefs shall be Courier New, 10 point. All briefs shall maintain one-inch margins on all four sides, excluding page numbers.
 4. **SPACING:** The text of the brief must be double-spaced unless otherwise indicated here. Individual footnotes, quotes of more than fifty words, and point headings within the body of the brief, may be single-spaced. Double-spacing between footnotes is required.
 5. **MISCELLANEOUS:** There need not be a formal statement of jurisdiction. All citations shall be complete and in the form prescribed by the most current edition of *The Bluebook: A Uniform System of Citation*.

VIII. Penalty Deductions, Formal Complaints, and Disqualification

- A. **CALCULATION OF PENALTIES:**
 1. Violations of cover page requirements will be penalized in the amount of three points per violation.
 2. Each instance of an identity violation anywhere on the brief or cover page will be penalized in the amount of three points per violation.

3. Violations of length and typeface will be penalized in the amount of three points for each page or portion of a page that goes beyond the page limit for the argument section. Similarly, an argument section with typeface that is too small will be penalized for the number of excess pages that result when the typeface is normalized to the required typeface.
4. Violations of service will be penalized in the amount of six points per day (or partial day) of incomplete service.
5. If a team is late in arriving to an oral argument, the National Committee and/or directors of the Regional Competition, if any, reserve the right to declare a forfeit or to assess a penalty of ten points for every ten minutes the team is late.

B. FORMAL COMPLAINTS:

1. All formal complaints against an opposing team shall be brought to the attention of the National Committee no later than five days before the Regional Competition. Complaints shall be emailed to the National Committee at thomastangmootcourt@gmail.com.
2. Regional Competition Assessed Complaints: The Regional Committee shall review each brief served upon it to determine whether any brief violations have been committed. All teams assessed with violations by the Regional Committee shall be notified of such violations no later than five days before the Regional Competition via email. A copy of such notice of violation shall be submitted to the National Committee.
3. Response and Determinations: Any team having a formal or Regional Committee assessed complaint served upon it may, no later than three days before the Regional Competition, respond to the allegations by email to the National Committee at thomastangmootcourt@gmail.com. No further responses from any parties will be considered. All determinations of format violations and appropriate penalties will be made by the Regional Committee, when necessary, prior to the Regional Competition.

C. DISQUALIFICATION:

Any team that fails to submit a brief prior to the Regional Competition is ineligible for any prizes or awards. Any team that fails to appear for any round of the Regional or National Competition is automatically disqualified.

IX. Service of Brief

A. REGIONAL COMPETITION:

1. Each team shall submit one copy of its brief in electronic PDF (.pdf) format to the Regional Committee, if any, and the National Committee by the brief service deadline designated by the National Committee. To do so, each team shall upload its brief onto Dropbox or another electronic filing system to be determined. Each team shall contemporaneously email the National Committee at thomastangmootcourt@gmail.com to confirm that its brief has been uploaded. ***Teams shall not upload their brief in Microsoft Word (.docx) format.***
2. The National Committee will circulate all briefs uploaded to all teams competing in that region.
3. Service will be deemed complete only when the copy of a team's brief has been received by the National Committee.

B. NATIONAL COMPETITION: Brief service for the National Competition is not required for teams that qualified through the Regional Competition.

X. Oral Arguments

A. Oral arguments for the Regional Competitions will take place remotely through video conferencing software.

1. Each team member will need a video camera, a microphone, a phone, and stable Internet connection.
2. Team members and coaches will not be permitted to be in the same physical location. Each team member and coach must be in separate physical locations and sign on to the video conference separately. No team members, coaches, representatives, or affiliated persons or designees will be permitted to be in the same physical location as a competitor.
3. Team members will turn their video on for the entire duration of the round. Microphones will be muted, unless the competitor is speaking. Coaches will have their cameras off and microphones muted for the entire duration of the round.
4. Virtual backgrounds or unique physical locations that identify a team member's law school are prohibited. Any virtual backgrounds used must be approved by the Committee prior to the argument.

5. Timekeeping will continue in the event of minor technical failures (e.g., lags, glitches). Judges may add time at their discretion. If the argument cannot be continued due to technical failures, then the competitor should immediately notify the Committee by email and/or phone call. The appropriate solution will be made by the Committee.
 6. Any team with requests for accommodations shall, no later than five days before the Regional or National Competitions, notify the National Committee at thomastangmootcourt@gmail.com.
- B. The Regional Competition oral arguments will consist of at least one preliminary oral argument round. The Regional Committee or National Committee will randomly assign opponents. This may result in teams from the same law school arguing against each other. Teams should be prepared to argue either side. The National Committee will randomly assign one side to each team and will inform each registered team at least twenty-four hours in advance of oral argument.
- C. The National Competition oral arguments will consist of one preliminary round, quarterfinals, semifinals, and finals. The National Committee will randomly assign opponents for all rounds of oral arguments. This may result in teams from the same law school arguing against each other. Teams should be prepared to argue either side. The National Committee will randomly assign one side to each team and will inform each team at least twenty-four hours in advance of the first preliminary round. The petitioner and respondent in the quarterfinal round onward will be determined by a coin toss immediately after the National Committee announces the advancing teams. The team with the highest total team score may choose to call the toss with the winner of the toss selecting which side to represent.
- D. No team members, coaches, representatives, or affiliated persons, or designees will be permitted to be in the videoconference of another team's arguments except for the oral argument in which the team is competing.
- E. Participants must sign onto their designated video conference fifteen minutes before the scheduled start time. If a team is late in arriving to the argument, the Regional and National Committees reserve the right to declare a forfeit or to assess a penalty of ten points for every ten minutes the team is late.
- F. At the commencement of each argument, the team members arguing the case shall introduce themselves by name to the Court. The name of the team's law school shall not be stated at any time during the argument.
- G. No discussion with the judges is permitted until the post-round critique, which shall be conducted by the judges after the oral argument.

- H. Only two team members may participate per oral argument round. Each team member will have fifteen minutes for oral argument for a total of thirty minutes per team. The bailiff will advise counsel and judges of remaining time at the following points: five minutes remaining, two minutes remaining, one minute remaining, and the expiration of time. Once counsel is informed by the bailiff that the time has expired, counsel must conclude the argument or receive the Court's permission to continue.
- I. The first speaker for the petitioner may reserve either one or two minutes for rebuttal by notifying the presiding judge and bailiff prior to the commencement of the argument. The reserved time may come from one or both speakers' time. Rebuttal may be argued by either member of the team. Only one member of the team may give the rebuttal. The team member who speaks first must indicate who will be rebutting. Petitioner may waive reserved rebuttal time at the conclusion of Respondent's argument.
- *Example 1: Team 1 reserves two minutes for rebuttal using 1 minute of speaker 1's time and 1 minute of speaker 2's time. Speaker 1 indicates during her argument that she will be giving the rebuttal. Only speaker 1 may give the rebuttal.*
 - *Example 2: Team 1 reserves two minutes for rebuttal using 2 minutes of speaker 1's time. Speaker 1 indicates during her argument that Speaker 2 will be giving the rebuttal. Only speaker 2 may give the rebuttal.*
- J. Video recording/audio recording of any competition round is prohibited for any purpose. Only official NAPABA photographers and/or National Committee staff may take audio-visual recordings.

XI. Scoring of Briefs and Oral Arguments

- A. Judges for the briefs and oral arguments shall be selected by the Regional and National Committees. The Regional and National Committees shall select members of the judiciary, law school faculty, or the practicing bar for brief grading and judging of the oral argument. Unless completely impossible, judges shall not evaluate students attending their law school alma mater or working for their employer.
- B. Oral arguments: Each oral argument should be judged by three judges but must be judged by at least two judges. A team's oral argument score is equal to the average score given by the judges out of 100.
- *Example 1: The scores from two judges for a team are 80 and 90. The team's oral argument score is 85 for the round $[80+90 = 170/2 = 85]$.*
 - *Example 2: The scores from three judges for a team are 80, 90, and 100. The team's oral argument score is 90 for the round. $[80+90+100=270/3=90]$*

- C. Briefs: Each brief should be scored by three brief graders but must be scored by at least two brief graders. Each brief grader should score all briefs to allow for consistent grading. The average of all the brief graders' scores for each brief will be the brief score used in computing the total composite team scores for advancement to the National Competition and in selecting winning teams for Regional and National brief awards.
- *Example 1: If there are three brief graders and brief scores are 90, 80, and 70, the brief score will be $[90 + 80 + 70]/3 = 80$.*
 - *Example 2: If there are two brief graders and the scores are 50 and 100, the brief score will be $[50 + 100]/2 = 75$.*
- D. Penalties assessed by the Regional and National Committees are to be deducted from the average brief score.
- *Example: Where the average score is 75 and there is a three-point penalty, the brief score is reduced to 72.*
- E. National Competition Advancing Teams: The Regional Champion team of each region and six additional teams as decided by the National Committee will advance to the National Competition. The team with the eight highest scores after the preliminary round will advance to quarterfinals.
- F. National Competition Final Round Scoring: The final round will be decided by a majority vote of the judges. The use of a score in the National finals will be left to each judge's discretion. Each judge must determine which team, in the individual judge's sole opinion, won the final round.
- G. The prize for Best Oralist will be given to the individual with the highest average oral score.
- H. The prize for Best Brief will be given to the brief with the highest average brief score after evaluation by the brief grading panel as calculated in Paragraph C above, including the deduction of penalties.

XII. Regional Competition Scoring Rules

A. Scoring

1. Preliminary and Semi-Final Rounds Scoring: Each team's score in the preliminary and semi-final rounds shall be calculated by weighting the oral argument 70% and the brief score 30%.
 - *Example: A team receives an oral argument score of 80 and a brief score of 90, the team's round score is 83. $[(0.7 \times 80) + (0.3 \times 90) = 83]$*
2. Final Round Scoring: The final round shall be decided by a majority vote of the judges. Each judge must determine which team, in his or her opinion, won the final round.

B. Advancement

1. Rankings After Preliminary Rounds: After completion of all preliminary rounds, the competition will rank teams based on the total preliminary round score of each team.
2. Advancement to Elimination Rounds: For competitions with a semi-final, the top four teams shall advance to the semi-finals. Teams in the semi-finals shall be paired as follows:

1st Seed v.s. Fourth Seed	Second Seed v.s. Third Seed
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The competition reserves the right to break brackets to avoid pairing competitors from the same school against each other.

3. Advancement from Semi-Finals to Finals: The winner of each semi-final round shall advance to the final. The winner of each round will be the team with the highest score in that semi-final round. In the event of a tie, ties will be broken using prelim seed.

C. Side Assignment in Elimination Rounds

1. For semi-finals and finals, the sides shall be decided by a coin flip. The lower seeded team will call heads or tails. The winner of the coin flip shall choose the side they wish to argue.

XIII. National Competition Rules

A. Scoring

1. Preliminary and Semi-Final Rounds Scoring: Each team's score in the preliminary and semi-final rounds shall be calculated by weighting the oral argument 70% and the brief score 30%.
2. Final Round Scoring: The final round shall be decided by a majority vote of the judges. Each judge must determine which team, in his or her opinion, won the final round.

B. Advancement

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THE COMPETITION WILL NOT BREAK BRACKETS TO AVOID PAIRING ENTRIES FROM THE SAME SCHOOL. For example, if 1st seed and 4th seed are from the same school, the teams WILL be paired against each other in the semifinals.

3. Advancement from Semi-Finals to Finals: The winner of each semi-final round shall advance to the final. The winner of each round will be the team with the highest score in that semi-final round. In the event of a tie, ties will be broken using prelim seed.

C. Side Assignment in Elimination Rounds

1. For semi-finals and finals, the sides shall be decided by a coin flip. The lower seeded team will call heads or tails. The winner of the coin flip shall choose the side they wish to argue.

XIV. Coaches, Faculty, and Other Supervision

- A. No team shall receive specific assistance in the writing of its brief from any individual other than the team members, including from faculty, coaches, fellow students, or attorneys. This rule shall not be construed to limit in any way the resource material available to the participants, but participants may not procure a copy of any pleadings or papers filed in any trial or appeal of any case upon which the record is founded. Contact with the actual litigants or their attorneys is strictly prohibited.
- B. This rule does not prevent general discussion of the issues raised in the record with faculty or others, the judging of mock arguments by the faculty or others, or the giving of general critiques on such arguments, provided that such discussions and critiques are not designed to change the substance of briefs or oral arguments. In interpreting this rule, it should be emphasized that the purpose of this Competition is to develop the art of appellate advocacy through the participants' own work.
- C. Editing or proofreading of briefs shall be performed by no one other than the registered team members.
- D. Any individual involved in drafting, reviewing, or preparation of the substance of the Judge Thomas Tang and Dr. Pearl Tang Moot Court Competition Problem or Bench Memo is prohibited from assisting any participants in preparing for this year's Competition. This should not prohibit workshops, coaching sessions, and other assistance that is not specifically related to the Judge Thomas Tang and Dr. Pearl Tang Moot Court Competition Problem.