



**OHIO CENTER
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EDUCATION**

*Partnering with Teachers to
Bring Citizenship to Life*

Ohio Center for Law-Related Education presents the

2026 Moot Court Competition Rules

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2025 MOOT COURT COMPETITION

INTRODUCTION

A moot court simulates the legal proceeding known as an appeal, the procedure used to dispute one court’s decision in another, higher court. In a typical appeal, the appealing party (known as the “appellant” or the “petitioner”) must prove that the lower court committed a legal error, requiring the lower court’s decision to be reversed or modified. The non-appealing party (“appellee” or “respondent”) may then defend the lower court’s judgment with arguments justifying why the judgment should be affirmed. Unlike a trial, the parties to an appeal do not question witnesses or present new evidence. An appeal is won or lost based on the existing record of the lower court proceedings and—most importantly—the quality and persuasiveness of each party’s legal arguments.

Arguing an appeal is a two-step process. First, the parties must present their arguments in written briefs, citing the relevant legal authority supporting their respective positions. Second, the parties must reassert those arguments in a courtroom hearing known as oral argument. The purpose of oral argument is to explain your position to the appellate court, typically represented by a panel of appellate judges, and to answer any questions the court may have.

In this moot court competition, you will act as an attorney for the appellant or the appellee in a fictitious appeal by writing a brief and participating in oral argument. Your written brief and oral argument must conform to these rules and guidelines and will be scored in accordance with rubrics established by OCLRE.

I. TEAMS

- A. Competition will be limited to no more than 16 teams.
 - i. Each team will consist of between two to six students.
 - ii. Registration for the 2025 competition must be submitted by **Friday, March 27, 2026** at 5:00 p.m.
- B. The competition is composed of two phases: a written brief, and oral arguments.
 - i. Each team will submit one written brief for the side of their choosing (either petitioner or respondent), written by the entire team.
 - ii. Each team will argue as both petitioner and respondent during oral arguments, with one student arguing at a time.
- C. Teams may use teachers and attorney coaches as guides in writing their brief and preparing oral arguments. Any work submitted must be the exclusive work of the students.
- D. Multiple teams from each school may compete if space allows.
 - i. Each school will be permitted two teams until the registration deadline has passed. After the deadline, if space remains, the registration will reopen for additional teams from each school registered.

II. COMPETITION FORMAT

- A. The competition will consist of two phases: (1) the brief writing phase, and (2) the oral arguments phase.
 - i. Teams will submit briefs electronically to Danny Rains (drains@ocltre.org) no later than **Wednesday, April 15, 2026** at 3:00 p.m.
 - ii. Scores for the briefs will not be released prior to competition day.
 - iii. Oral arguments will take place on **Friday, May 1, 2026**.
- B. Oral arguments will consist of *up to* eight rounds, described below.
 - i. Each team will compete in six preliminary rounds.
 - ii. After preliminary rounds, the four teams with the highest team scores will proceed to the Semi-final Round.
 - iii. The final two teams will compete in a State Final Round.
 - iv. In each round, teams will compete as either petitioner or respondent.
- C. Preliminary Rounds
 - i. There are six preliminary rounds.
 - ii. Teams will be randomly paired by OCLRE in the preliminary rounds.
 - iii. Judges in the preliminary rounds will assign a win/loss to teams for their performance, as well as individual speaker points to each student competing in the round.
 - a. In scoring the rounds, a “win” will be worth 5 points.
 - b. For each of the ballots that a team wins, the 5 points will be added to their overall team score, which will be used to determine advancement to the semifinal round of competition.
 - c. Individual speaker points are used solely for determining winners of individual awards and will not be added to the overall team score.
 - iv. After the six preliminary rounds, each team’s scores will be added together (brief score and all six oral argument scores).
 - a. The brief will account for 40% of the total score (up to a possible 40 points) and the argument rounds will account for 60% of a team’s score (up to a possible 60 points).
 - v. After the six preliminary rounds, the four teams with the highest overall score will advance to the semifinal round.
- D. Championship Rounds
 - i. The four teams with the highest overall score will advance to the semifinal round.
 - ii. Semifinal Round
 - a. During semifinals, judges will assign a win/loss in addition to individual speaker points.
 - b. The team that wins the majority of the judges’ ballots (2 out of 3) will win the round.
 - c. The two winning teams will advance to the championship final round.
 - iii. Final Round
 - a. In the final round, if possible, each team will argue the opposing side to that which they argued in the semifinal round.

- b. In the event that teams are paired up who both argued the same side in the previous round (e.g. two teams are paired who both argued as petitioners in the semifinal round), a coin-toss will be used to determine which team is arguing which side. The team from the school that comes first alphabetically will be “heads,” with the other team being “tails.” The winner of the coin-toss will argue as the petitioner.
- c. In the final round, judges will assign a win/loss to each side
- d. The winner of the final round will be the state champion, with the non-prevailing team as the state runner-up.

III. THE BRIEF

- A. Each team will submit one brief, for the side of their choosing (either petitioner or respondent).
- B. Briefs will account for 40% of the total score to determine teams that advance into the championship bracket.
 - i. Teams who fail to submit their brief by the deadline will have a score of zero entered for the missing brief but may still attend oral arguments.
- C. Each brief should follow the format of the brief outline below:
 - i. Cover page
 - ii. Table of Contents
 - iii. Table of Authorities
 - iv. Constitutional or Statutory Provisions Involved
 - v. Question Presented
 - vi. Statement of the Case and Facts
 - vii. Argument
 - viii. Conclusion
- D. The entire brief must be no longer than 18 pages, inclusive of the cover, table of contents, and table of authorities.
- E. A team’s failure to adhere to the brief format set forth in this Rule may be grounds for disqualification.
 - i. Disqualification due to a brief will result in a score of zero for the brief.
 - ii. Teams disqualified for their brief will still be permitted to participate in the oral arguments.
- F. The text of all briefs shall be 12-point type and in one of the following typefaces: Times New Roman or Century Schoolbook.
- G. If one of the typefaces specified by division (F) of this rule is not available, the team shall use a typeface that is substantially equivalent to the typefaces listed.
- H. Teams may use italic type only for citations and emphasis.
- I. All briefs must be created on 8-1/2” x 11” paper. All margins shall be one inch, and the left margin shall be justified. The text of all documents shall be double-spaced. Quotations of 50 words or more and footnotes may be single spaced, but they shall also be 12-point type.

- J. Pursuant to Rule V(C), briefs may not contain citation to case law beyond what is presented in the moot court packet and may not include manufactured or researched facts beyond what is found in the moot court packet.
- i. Example: A team may include a citation that appears in the redacted case law or in the opinion. Teams are limited to the portions that are cited in the opinion or included in the case law. Teams **cannot** pull the full case and cite words or arguments that do not appear in the text of the case packet.

IV. ORAL ARGUMENTS

- A. One student from a team must participate as the advocate in each round of oral arguments.
- i. A second student on the team will serve as timekeeper.
 - ii. A non-arguing student may, if the team chooses, sit at counsel table to participate in the round as assistant counsel.
 - a. They are not a speaking participant in the round, but may assist with items such as taking notes of what has been addressed, pulling case law that the advocate may need, etc.
 - b. Assistant counsel may not communicate with the advocate while they are presenting to the judges.
- B. During each round, teams will remain together, although only one student will be presenting in a single round. Students not competing during a round will observe their teammates.
- C. Prior to the start of arguments, students arguing in the round will introduce themselves by their student code, their name, and school name for the purpose of judge ballots.
- i. Timekeepers should begin timing the hearing when arguments begin, after the phrase “Mr./Ms. Chief Justice, may it please the Court.”
- D. Each preliminary round of oral arguments will last 30 minutes, with each team being allotted 10 minutes to present arguments, outlined as follows:
- i. Petitioner: 10 minutes
 - ii. Respondent: 10 minutes
- E. The **Semifinal round** will last 45 minutes, with each team being allotted 15 minutes as follows:
- i. Petitioner: 15 minutes
 - ii. Respondent: 15 minutes
- F. The **Championship final round** will last 1 hour, with each team being allotted 20 minutes as follows:
- i. Petitioner: 20 minutes
 - ii. Respondent: 20 minutes
- G. If the **petitioner** would like to reserve time for rebuttal, the student presenting arguments must state their intention to do so prior to starting their prepared remarks by saying “I would like to reserve 2 minutes of rebuttal time,” or something to the same effect.
- i. Teams wishing to reserve rebuttal time will automatically reserve 2 minutes. No varying time amounts will be permitted. **Petitioners may reserve 4 minutes of rebuttal in the Championship Round ONLY.**

- ii. The timekeeper for the petitioner will be responsible for keeping track of the two minutes reserved and should adjust their timecards accordingly.
 - iii. If a timekeeper fails to properly reserve the rebuttal time, the team will be seen to have forfeited that rebuttal time. No additional time will be granted.
- H. The **respondent** may not reserve time for rebuttal.
- I. Both teams will bring a timekeeper to each round (bringing the total number of active students per team in each round to two).
 - i. The timekeeper for each team is responsible for holding up time cards for their team members.
 - ii. The timekeeper for the opposing team will also time, but will not hold up timecards, serving only as a check for timing compliance.
 - iii. If, due to unforeseen circumstances, a team is unable to provide a timekeeper, the opposing side's timekeeper will time and provide timecard signals for both teams
 - iv. Timecards will be held up as follows:
 - a. 2 minutes remaining
 - b. 30 seconds remaining
 - c. STOP
 - v. Timekeepers will use a stopwatch or similar timekeeping device, including a cell phone stopwatch. Tablets, laptops, etc. will not be permitted.
- J. If at the conclusion of the hearing, either team has reason to believe that a rule violation has occurred affecting the fairness of the hearing, they may raise that concern with the judges following the conclusion of the hearing and prior to judge critiques.
 - i. At the conclusion of the hearing, the Chief Justice will ask, *"Does either team have serious reason to believe that a material violation of any rule has occurred during this hearing? If no team has any objections, we will move on to giving our critiques."*
 - ii. If either team has a reason to believe a violation has occurred, student advocates, or timekeepers should stand, wait to be recognized, and say, "Your honor, we believe there has been a rules violation."
 - iii. The Chief Justice will allow the student to state their objection. The justices may, at their discretion, solicit a response and/or inquire further into the matter. If the justices agree, they will each take a five-point material rule violation deduction on their scoresheet. If the justices do not agree, neither will issue a deduction.
 - iv. The justices should not announce a finding but will continue with their critiques.
 - a. The justices may consult with the Moot Court Coordinator when turning in their scoresheets if they have additional questions.
 - v. Team advisors and legal advisors may not interact with the bench during this time unless specifically requested by the justices to give feedback or a response.
 - vi. Complaints not raised by students following the hearing that are brought to the attention of OCLRE staff will not alter the decisions of the judging panel and will only be used for potential rule changes or procedure variations in future years.
- K. At the conclusion of each round, the judges will provide verbal critiques, not to exceed 6 minutes.

- L. Pursuant to Rule V(C), during oral arguments students cannot reference case law beyond what is presented in the moot court packet and may not include manufactured or researched facts.
- M. Oral arguments are expected to begin promptly at the appointed time.
 - i. If a team, or portion of a team, fails to appear within 5 minutes of the scheduled argument time, that team shall compete with an incomplete team.
 - a. The members missing at the start of the trial shall be ineligible to compete in that round, and a score of “zero” will be entered for their portion of the hearing.
 - ii. If no student from a team appears within 5 minutes of the scheduled argument time, the team will be judged to have forfeited the round.
 - iii. The team that is present will proceed with the presentation of their arguments.
 - a. With no opponent present, the present team receives an automatic “win” from all judges. Speaker points will still be assigned by each judge.
- N. No communication is permitted between students participating in an oral argument round and other team members, coaches, or anyone else in the audience.
- O. No laptops, tablets, cellular phones, or similar devices may be used during the oral argument except for timekeeping purposes.
- P. Students are expected to display dignity and respect to the judges, staff, and other competition personnel. The teams are also expected to display respect and professionalism toward each other.
- Q. Scores and winners of rounds will be announced at the appointed times, as follows:
 - i. Prior to all advancement announcements, advisors will receive a copy of the scoresheets to allow for review and notification of scoring errors.
 - ii. Announcement of teams advancing to the semifinal round will occur after lunch at a central location.
 - a. Best Advocate and Brief Awards will be announced at this time.
 - iii. After the semifinal round, there will be another ceremony to announce which teams will advance to the final round and to honor semifinalists.
 - iv. After the final round, trophies will be presented to the winner and runner-up.
- R. Final score sheets from oral argument rounds and the brief scores will be made available by OCLRE no later than 1 week after the completion of the competition via e-mail.

V. THE CASE PACKET

- A. The packet will include the following items:
 - i. Competition rules and guidelines
 - ii. The 2026 Moot Court Case File
 - iii. Redacted Case Law
 - iv. Brief Writing Template
 - v. Sample brief score sheet
- B. Students and advisors should assume the moot court packet is complete and final. Arguments that challenge the validity of issues beyond the scope of the issues presented in the moot

court packet will not be credited and may serve as a basis for a lowered score in either the brief or oral arguments phase of the competition.

- C. Students may utilize only the case law referenced in the moot court packet. Any deviation is a rules violation.
 - i. If a case is cited in the materials, you may only reference the portion cited in the opinion.
 - ii. The cases provided in the case law section have been redacted. Students are limited to the included portions only and may not cite to any portion or arguments not included in the text of the moot court packet.
 - iii. Teams may not conduct additional legal research, nor may they consult the entirety of any case that is provided in the redacted case law or cited in the opinion.
 - iv. Inclusion of law beyond the scope of the opinions, cases and statutes provided is grounds for disqualification, and a score of zero for that portion of the competition.
- D. Students may not construct additional facts not found in the moot court packet. Any information utilized that cannot be reasonably inferred from the moot court packet will be considered material beyond the scope and, therefore, a rules violation.
- E. Team advisors may send questions concerning the case materials to drains@oclre.org.
 - i. Questions must contain the name and e-mail address of the advisor.
 - ii. Questions submitted by students will not be entertained.
 - iii. Questions may be forwarded to the Rules or Case Committees, and answers will be posted to an errata sheet at www.oclre.org.
 - iv. Errata will be posted every other Friday starting on February 6. The final errata sheet will be posted on March 20.
 - a. If there are no questions submitted warranting a correction, no errata will be posted.

VI. JUDGING FORMAT

- A. Each preliminary round will have two judges, with one judge designated as the Chief Justice. The scores of both judges will count equally in determining the scores of the team.
 - i. The Chief Justice's score will carry no additional weight. The Chief is designated purely for administrative purposes.
- B. The Chief Justice will serve the following functions in the round
 - i. The Chief Justice will be afforded the first question to the advocates.
 - ii. The Chief Justice will have the discretion to allow an advocate to finish their statement when time has elapsed.
 - iii. In the event of a rules discrepancy or timing discrepancy, the Chief Justice will have the authority to rule on the issue or refer the issue to OCLRE and the competition committee.
- C. All judges will receive training on the procedures and rules of the competition prior to the competition.
- D. Only individuals holding a law degree or currently enrolled in law school will be eligible to serve as a judge in the competition.

- E. Prior to the start of each round, judges will have an opportunity to alert OCLRE staff to any possible conflicts of interest, and, if they see fit, recuse themselves from the round.
- F. Each student in the competition will be represented by an alphanumeric code, which will be used for the purpose of tracking individual speaker points.
- G. Judges will assign scores based on the ballot categories for both briefs and oral arguments.
- H. Scores for briefs will account for a total of 40% in determining teams that advance into the semifinal round, with the combined total of the 6 argument rounds providing the other 60% (5 points for each ballot the team “wins”).
- I. Speaker points, assigned to each individual student, are used solely for determining the recipients of individual awards and will not be used to determine teams advancing into final rounds.
- J. To the greatest extent possible, no judge will score the same team twice.

VII. AWARD CATEGORIES

- A. An awards ceremony will be held after lunch, prior to the semifinal round.
- B. Awards will be solely based upon the score criteria indicated below.
- C. Teams advancing to the semifinal round will receive an award based on the stage at which they were eliminated from the competition.
 - i. E.g., Semifinalists not advancing to the final round will be recognized with a plaque.
- D. Four teams will be recognized for “Best Written Brief.” This award will be determined solely based on the written brief score.
 - i. The four awards will be designated as follows:
 - a. 1st Place Petitioner Brief
 - b. 2nd Place Petitioner Brief
 - c. 1st Place Respondent Brief
 - d. 2nd Place Respondent Brief
- E. Six students will also be recognized individually as “Best Advocates.” To determine the recipients, each student will have their individual scores averaged across all preliminary rounds (written brief scores will not be factored into this award). Awards will be given as follows:
 - i. Best Petitioner Advocate: Top three average individual scores
 - ii. Best Respondent Advocate: Top three average individual scoresIn the case of a tie between student advocates, OCLRE will award both students with “Best Advocate” awards.
- F. Individual students are eligible to win only 1 individual award. In the event a single student is in the top three scores both petitioner and respondent, the student will receive the award for which their score is highest (e.g. petitioner.)

VIII. RECORDING

- A. If a team wishes to record an oral argument round, the opposing team must be consulted and grant permission prior to taping. Permission shall not be unreasonably withheld.

- B. Teams may only record their arguments if both parties agree. If the two parties are unable to agree, then neither team may record that round.
- C. In advance of the competition, all individuals taking part in the competition (including advisors) will return signed copies of the photo release forms.
 - i. In the event that a student does not submit a signed release form or submits a signed release form indicating that permission is not granted, no photographs or recordings shall be taken in the round(s) in which that student is participating.
- D. OCLRE may, at their discretion, record any and all rounds of the competition (for which all participating students have submitted a signed release form granting consent). These videos may be made available online at the OCLRE website.

IX. ELIGIBILITY

- A. All students on a team must be enrolled in the same public or private school in the district for which they are competing.
- B. Any student who attends a school without a participating team may join the team of a participating school with permission of both schools and OCLRE.
- C. Community or home school teams may participate with the permission of OCLRE.
 - i. Students whose assigned school has a moot court team are eligible to participate on a community team, provided no more than 50% of the students on the community team come from schools that have a community team.
- D. Students who have graduated prior to the date of the competition may participate as long as they were enrolled during the academic year.

OHIO MOOT COURT
TIMEKEEPER MANUAL
Timekeepers' Responsibilities

A. Before the Round

- i. Be sure your timekeeper has:
 - a. 1 timekeeping sheet
 - b. 1 timecard use sheet
 - c. 1 stopwatch (the timer on your cell phone will work well)
 - d. 1 set of timecards (team must use the cards provided in the competition manual)

B. During the Round

- i. Enter the round number and team names in the spaces provided at the top of the timekeeping sheet. Arrange your time keeping device, timecards, and timecard use table.
- ii. Keep time during the round, remembering the following:
 - a. You are responsible for timing and recording the time for both Petitioner and Respondent.
 - b. You are responsible for holding up timecards for only your own team.
 - c. Reset the stopwatch to zero only at the following times:
 1. At the beginning of each attorney's argument, and
 2. At the beginning of rebuttal, if the petitioner requests it
 - d. Start timing the hearing when arguments begin, after the phrase "Mr./Ms. Chief Justice, may it please the Court." Do not start when an attorney asks to reserve time for rebuttal.
- iii. Make a note on the timekeeping sheet if petitioner chooses to reserve 2 minutes after respondent argues for rebuttal.
- iv. Display timecards and STOP at the intervals set out in the Time Card Use Table.
- v. At the conclusion of the hearing, set a timer for 3 minutes to allow either of the two teams to file a post-hearing objection. In the event that both teams they have no (or no additional) objections, you can end the timer early.

C. After the Round

- i. Add the time used for each side and sign the timekeeping sheet.

D. Discrepancies in Time between Team Timekeepers

- i. If a timekeeping discrepancy of more than 15 seconds is discovered between the petitioner and respondent teams, the timekeepers should notify the Chief Justice as soon as the discrepancy is discovered. One of the timekeepers should stand, wait to be recognized, and say "Your honor, we have a time discrepancy of more than 15 seconds."
- ii. The Chief Justice will rule on any time discrepancy before the round continues. Timekeepers will synchronize stop watches to match the Chief Justice's ruling (for example, if Petitioner stopwatch indicates 2 minutes left for questioning and the Respondent stop watch indicates time is expired, the presiding judge may decide to split

the difference in timing variation and give Petitioner 1 minute to conclude the arguments. Respondent would adjust timing to allow for the 1-minute timing decision.)

- iii. Any discrepancies between timekeepers less than 15 seconds will not be considered a violation.
- iv. No time disputes will be entertained after the trial concludes.
- v. The decisions of the Chief Justice regarding the resolution of timing disputes are final.

OHIO HIGH SCHOOL MOOT COURT COMPETITION
Timekeeper Instructions

1. **ALL TEAMS** are to have 1 **STOPWATCH, TIMEKEEPER CARDS** and a *trained* TIMEKEEPER. Your timekeeper is to be *one of the official team members* listed on your roster.
2. **Teams MUST use the timekeeper cards provided in the Competition Manual.** (The timekeeper must be familiar with the arguments sequence chart and have practiced completing the tally sheet before the tournament begins.) In each round, the timekeeper keep time **for both teams**. In all rounds, the timekeepers will turn in the timing sheet into the presiding judge.

Timekeepers' cards, **provided in the competition manual**, are to show time remaining as indicated on the Timecard Use sheet. Both timekeepers are responsible for keeping accurate time.

REMEMBER:

Signed Timing Sheet is to be returned with the justices' packet at the conclusion of each round.

Ohio High School Moot Court Competition Timecard Use Table

For Petitioner – If Attorney is Delivering Rebuttal

When your stopwatch says	Hold up the timecard that says
6:00	2:00
7:30	:30
8:00	STOP

For Petitioner – Without Rebuttal

When your stopwatch says	Hold up the timecard that says
8:00	2:00
9:30	:30
10:00	STOP

For Respondent

When your stopwatch says	Hold up the timecard that says
8:00	2:00
9:30	:30
10:00	STOP

For **Rebuttal** – Petitioner ONLY (Optional)

When your stopwatch says	Hold up the timecard that says
1:30	:30
2:00	STOP

**Ohio High School Moot Court Competition
Timecard Use Table—Semifinal Round**

For Petitioner – If Attorney is Delivering Rebuttal

When your stopwatch says	Hold up the timecard that says
11:00	2:00
12:30	:30
13:00	STOP

For Petitioner – Without Rebuttal

When your stopwatch says	Hold up the timecard that says
13:00	2:00
14:30	:30
15:00	STOP

For Respondent

When your stopwatch says	Hold up the timecard that says
13:00	2:00
14:30	:30
15:00	STOP

For Rebuttal – Petitioner ONLY (Optional)

When your stopwatch says	Hold up the timecard that says
1:30	:30
2:00	STOP

Ohio High School Moot Court Competition
Timecard Use Table—Final Round

For Petitioner – If Attorney is Delivering Rebuttal

When your stopwatch says	Hold up the timecard that says
16:00	2:00
17:30	:30
18:00	STOP

For Petitioner – Without Rebuttal

When your stopwatch says	Hold up the timecard that says
18:00	2:00
19:30	:30
20:00	STOP

For Respondent

When your stopwatch says	Hold up the timecard that says
18:00	2:00
19:30	:30
20:00	STOP

For **Rebuttal** – Petitioner ONLY (Optional)

When your stopwatch says	Hold up the timecard that says
1:30	:30
2:00	STOP

Ohio High School Moot Court Competition

Timekeeping Sheet

Petitioner _____ Respondent _____ Round # _____

Petitioner Attorney I

Ending Time _____

Respondent Attorney I

Ending Time _____

Rebuttal (optional) (2 minutes)

Petitioner _____

TIMEKEEPER'S SIGNATURE _____

2:00

:30

STOP

OCLRE MOOT COURT BRIEF WRITING WEBINAR SERIES

One of the most challenging parts of the High School Moot Court process is writing the brief, but it is also one of the most important steps to prepare for competition. To help teachers and students tackle the process, OCLRE has created a series of webinars to overview the brief writing process step by step. All videos will be uploaded to the following page on our website: [Moot Court Webinars](#)

BRIEF WRITING PRIMER

Provided courtesy of the Florida Law-Related Education Association

There are two main ways to argue your position to the appellate court: through the appellate brief and through the appellate oral argument. They serve different functions and, to an extent, courts look for different things from each function.

Of the two functions, the brief is the more important. It succinctly reviews for the court what the case is about (what the relevant facts and legal issues are), what the law is (for each issue raised by the appeal), and what relief you are seeking. It really does not matter which side of the case you are on or which issue you are addressing. Your job is to persuade the court that your position is correct – that is, that the facts and relevant law support the relief you seek and that the outcome you want makes sense.

The brief is your chance to shine. It is your chance to show the court that you understand your issue, that you have done the necessary research into it, and that you can communicate the argument in a scholarly way. The court looks to you for guidance, and it is your responsibility to convince the court that you can be trusted.

Here are some of the more important factors that judges look to when reading/grading an appellate brief.

Effective Organization of the Facts/Procedural History

Judges are busy and they look to you to narrow down the facts to those that are most important to deciding the issue. Have you summarized for the court all the facts that are relevant to your issue and that the court needs to know about in order to decide the case? Most cases have a lot of facts, but not all of those facts are relevant to the issue being raised on appeal.

For example, suppose your client was convicted of running a red traffic light and you are appealing that conviction. Does it make a difference how large the tires on his car were? Probably not (it might be relevant to a speeding ticket, but not running a red light). On the other hand, it is probably important to know what the weather and traffic conditions were at the time, or whether the police officers were in a position to see the intersection at the time that your client drove through it. Your ability to recognize a relevant or essential fact and to communicate it in an easy-to-understand way is very important to your ability to persuade the court.

Persuasive Use of Pertinent Facts/Diffusing Damaging Facts

Do not ignore bad facts. If they are important to the case (and, of course, relevant to the issues on appeal), someone will find them. Probably your opposing counsel. It will make you look less than honest with the court if you do not disclose bad facts. Your job is to find a way to be candid, but to emphasize the facts that support your position. Finally, do not merely list the essential facts. Weave them into a story. Make the brief interesting to read.

Issue Recognition

The way that you frame your issue will direct the court to the specific question it must decide in the case. Once you have identified the issues to be raised on appeal, state them clearly in the brief. Be direct and forceful, without being wordy. Use active verbs. Remember that judges are very busy. They do not often have the time to wade through wordy, vague, or repetitive briefs.

The way you phrase the issue for the judges sets the stage for everything to follow in the brief. The issue also determines what your analysis will be. You have to make sure that your legal analysis and the conclusion that you reach parallel the issue that you raise.

Legal Analysis

Now that you have framed the issue that you want the appellate court to address, you have to lay out an analysis that is direct, logical, and persuasive. Your reader should be able to follow the analysis and, at the end of it, reach the same conclusion that you did.

Remember that your analysis revolves around the law. What is the law on the subject of your argument/on your issue? You either want the appellate court to apply the existing law (and perhaps extend it to a new set of facts and application) or to explain why, based on the distinct facts in your case, the existing law does not apply.

You must be clear in your thinking and direct in your writing.

Persuasive Use of Authority

Courts are guided by the law, and it is your job to tell them what the law is, how the facts of the cases that you cite are either substantially similar to your facts or are so different (in important ways) that the legal conclusion in those cases should not apply to your case. This case packet identifies the leading cases for the issue you have raised. Your job is to explain to the court why the conclusions in those cases do or do not control the outcome in your case.

To do this, you may need to discuss the facts of the more relevant cases. Discussing the facts of those cases may help the court in your case to determine whether the holding in the prior cases apply to your circumstances.

Remember that you, acting in the role of a moot court lawyer, are, essentially, stepping into the same role as an officer of the court that all attorneys step into. While you represent a client, you also play an important role in helping to shape the law. So be candid, thorough, and forceful.

Clarity, Conciseness and “Readability”

In writing, let the first sentence of each section be your thesis sentence. State what your proposition is and let subsequent sentences support your thesis statement. End your paragraph with a conclusion that repeats your thesis statement.

Once you have completed your brief, be prepared to review and edit it. Revision means “to see again.”

You can revise your writing most effectively if you can figure out a way to see it again. When we review something we have written, however, it is often difficult. Not only do we have what we have written on paper, but we also have what is still in our mind.

To distance ourselves from what we have put on the printed page from what is in our mind, we need to see what we have written in a different way. For example, instead of looking at our complete message, we need to review what we have written differently, i.e. sentence by sentence. As we review each sentence individually, we can ask ourselves the following questions: 1) did the sentence say what I wanted it to say?; 2) did I say it in a clear manner?; 3) could I have said what I wanted to say in fewer words?; and 4) could I have said it better? When we look at what we have written sentence by sentence, we will often find that we wrote many things that were unnecessary. For example, in the preceding sentence, could I have just say "...we'll find we wrote many unnecessary things."

Organization, Headings and Subheadings

No one likes to read a brief that is nothing more than a blob of words (imagine this Help Guide without any headings). Your readers are human and like to be able to focus on certain ideas at a time. As you take notes regarding the issues you are treating, therefore, you should note what the different issues are and organize your writing around each issue. To alert your reader that one issue is ending and another beginning, you should use headings and subheadings. Headings and subheadings not only help you telegraph to your reader that a change in issues or the treatment of a sub-issue is coming up, but help you frame your brief around the issues that will aid the logical organization of your full brief.

Compliance with Rules

Following your appellate brief-writing rules can be less intellectually challenging than writing other school papers and you might even find it boring. Following the rules, however, is vital to practicing attorneys. Attorneys are required to follow different sets of rules to ensure a certain standard is followed that will be fair to everyone. For example, a Florida attorney writing a brief in state court has to follow the Florida Rules of Appellate Procedure (in federal court, the Federal Rules of Appellate Procedure apply). Because attorneys have to learn and follow court (and their Bar Association) rules, you too are being judged on your willingness to learn and follow your "quasi-court" rules for your moot court competition. Please follow the brief template for the format and the competition rules for more guidance on rule compliance.

Spelling and Grammar

Spelling and grammar are important to clarity and presentation. Errors in spelling or grammar have a negative effect on your reader. A reader who spots spelling and grammar errors may believe that the writer lacks credibility. The reader may question, therefore, the soundness of that writer's legal arguments. In this day of spell-check and automated grammar-check tools, there is no excuse (other than competition rules) not to use them, and using those tools will enhance your credibility with the reader. Remember, though, to still proofread: spell-check cannot substitute for careful review of your final brief. The appearance of your document will also affect your credibility and opportunity to persuade. People do see the small stuff.

Citation Style

Are the citations sloppy? Are your citations proper (do they follow the rules provided)? Did you pay attention to detail? Again, people see the small stuff and are affected by anything that might affect your credibility. Remember when doing your citations (as well as other portions of your brief) that you should base your decisions on the rules, not your own preferences.

Good luck!

Competitor: _____

Judge: _____

HIGH SCHOOL MOOT COURT COMPETITION BRIEF SCORE SHEET

Judges: Award points for each element and subtotal the points for each category. PLEASE DOUBLE CHECK YOUR MATH. A total of 80 points are available. In grading each brief: focus on those areas of brief writing that are not easily taught, i.e., legal analysis and persuasiveness, more so than typos, citations, and organization. When complete, TOTAL your score at the bottom, sign your name, and date the form. Please submit form, along with your set of briefs to OCLRE.

STATEMENT OF THE CASE & FACTS:

Effective Organization of Facts & Procedural History _____ / 5 pts. Max

Persuasive Use of Pertinent Facts/Diffusing Damaging Facts _____ / 5 pts. Max

Subtotal: _____ / 10 pts. Max

ARGUMENT:

Issue Recognition _____ / 10 pts. Max

Quality of Legal Analysis _____ / 20 pts. Max

Persuasive Use of Authority _____ / 10 pts. Max

Clarity, Conciseness, "Readability" _____ / 10 pts. Max

Organization, Headings, Subheadings _____ / 5 pts. Max

Subtotal: _____ / 55 pts. Max

TECHNICAL COMPLIANCE & GRAMMAR:

Compliance with Rules
(Cover Sheet, Table of Authorities, Summaries, Conclusion) _____ / 5 pts. Max

Spelling, Grammar,
Citation Style _____ / 10 pts. Max

Subtotal: _____ / 15 pts. Max

TOTAL: _____ / 80 pts. Max

GUIDELINES FOR COMPLETION OF BRIEF SCORING SHEET

Effective Organization of Facts & Procedural History	Are the essential facts and procedural history of the case organized in a clear, understandable manner?
Persuasive Use of Pertinent Facts/Diffusing Damaging Facts	Are the essential facts stated favorably for one side? Are damaging facts included and explained in a persuasive manner?
Issue Recognition	Are the issues clearly stated and answered in the brief? Are the arguments directed to those issues?
Quality of Legal Analysis	Did the brief present logical arguments based upon the law? Did the arguments appear to be well considered and supported by evidence?
Persuasive Use of Authority	Did the brief contain convincing arguments regarding the pertinent case law? Were all the leading cases addressed? Were the facts from the cited cases included, when appropriate? Did the brief distinguish unfavorable cases and authority?
Clarity, Conciseness, "Readability"	Were arguments made clearly, concisely and understandably?
Organization, Headings, Subheadings	Were the headings and subheadings effective in propelling the argument? Was the argument organized in a logical fashion?
Compliance with Rules	Did the brief include a cover sheet, table of authorities, summary of the case, argument, and conclusion?
Spelling, Grammar & Citation Style	Was appropriate care taken to ensure that no spelling or grammatical errors remained in the completed legal brief? Are the citations proper? Are pinpoint cites used? Did they pay attention to detail?

Round: _____

Room: _____

Ohio Center for Law-Related Education
Moot Court Competition Score Sheet

Award points for each element, for each speaker. After, add all the points in each column and total the points on the bottom row. If a team has violated one or more of the rules of the competition (e.g. they exceeded their allotted time, they cited case law not part of the case materials, etc.) subtract 10 points from that student's score. If you feel the rule violation exceeds excusable error, please alert a member of the OCLRE staff. After you complete your scores, please share a brief "reason for decision" in the space provided.

Comments can be made on the reverse of this sheet in the area provided.

When complete, please sign your name at the bottom of the ballot.

	Petitioner: _____	Respondent: _____
Category		
Knowledge and accuracy of facts and case law	/20	/20
Effective/Persuasive use of case law	/20	/20
Responsiveness to questions	/20	/20
Organization of arguments	/10	/10
Style (e.g. pacing, clarity, professionalism, etc.)	/10	/10
Clear summary and statement of desired result	/10	/10
Rule violations (subtract 10 points)	-	-
TOTAL (no ties permitted)	/90	/90

Based on the teams' overall performance in this round, I assign a win to the team advocating for the:

Petitioner

Respondent

Reason for Decision:

Judge Signature: _____