



## 2009 RULES

### SECTION 1 OVERVIEW OF AMC3

The **Appellate Moot Court Collegiate Challenge** (AMC3) is a program in which teams of Tennessee undergraduate college students argue appellate cases competition against their peers.

AMC3 is a project of the Tennessee Intercollegiate State Legislature Foundation, a 501(c)(3) educational corporation chartered by the State of Tennessee. TISL's partners in AMC3 are the Tennessee Bar Association and the Tennessee Political Science Association. Special Advisors to the AMC3 program are Justice William Koch of the Supreme Court of Tennessee and Judge Frank Clement, Jr., of the Tennessee Court of Appeals.

An AMC3 team can be comprised of two to five members. During the preliminary round, each team will variously argue the case for the appellant, argue the case for the respondent and sit on the bench for a round of oral arguments. A member of the Tennessee Intercollegiate Supreme Court will serve as presiding judge.

A jury of review comprised of active and retired lawyers, judges, professors and administrators will rate each team. Four teams will be chosen to participate in the final round before the Tennessee Intercollegiate Supreme Court on Saturday morning.

The case to be argued is a closed hypothetical factual problem and legal authorities used in the arguments are drawn from a closed table of case and statute authorities supplied to the competing teams. If a team requests, the Tennessee Bar Association will attempt to arrange for a lawyer to coach the team.

AMC3 arguments will occur in Nashville in the Old Supreme Court Chamber concurrently with the 40th General Assembly of the Tennessee Intercollegiate State Legislature, November 12-15, 2009.

The Old Supreme Court Chamber was used by the Tennessee Supreme Court to hear cases and deliver opinions of the Court for over 70 years from the completion of construction of the Capitol in 1859 until 1937 when the current Supreme Court building was completed.

On the afternoon of the third day, Saturday, while the Supreme Court is considering its decision in the Championship Round and

writing its opinion in that case, the teams will participate in special programs to enhance their knowledge of the legal system.

On the morning of the fourth day, Sunday, the Supreme Court will deliver its decision and will announce the winner of the Championship Appellate Hearing. Awards will also be presented at that time to the best teams, participants and justices.

## **SECTION 2 BASIC REQUIREMENTS**

**2.1 Team.** A team is at least two undergraduate students (collectively a “Team” and individually hereinafter each a “Participant,”) who are currently enrolled in an undergraduate degree program at the same accredited institution of higher education in Tennessee. A Tennessee college or university must sponsor each Team and each educational institution may enter more than one Team in the competition by filing multiple applications and paying the required fees for each Team.

**2.2 Registration and Payment of Fees required.** Teams must register and remit the required registration fees by the registration deadline determined by the AMC3 Competition Officials Committee in order to be eligible to participate in the AMC3 Competition. Registration forms and further information are available at [www.amc3.org](http://www.amc3.org). After the registration deadline, no refunds of fees previously paid shall be given for any reason.

**2.3 Eligibility of Participants.** Part time or full time students currently enrolled in any undergraduate program of studies are eligible to be Participants. Students currently enrolled in any graduate program or who have earned any graduate degree are not eligible. The AMC3 Competition Officials Committee may request proof of undergraduate status, and any Team which includes ineligible Participants may, in the discretion of The AMC3 Competition Officials Committee, be ruled ineligible to compete.

**2.4 Conduct Standards.** Each Participant shall, during Appellate Hearings and all other times during the AMC3 Competition, conduct him/herself in accordance with the highest standards of decorum, honesty, integrity and ethical behavior. He/She shall be courteous to all AMC3 Participants, Coaches, Officials, Judges and visitors.

## **SECTION 3**

### **PRELIMINARY APPELLATE HEARINGS AND THE CHAMPIONSHIP APPELLATE HEARING**

**3.1 Number of Rounds.** The AMC3 Competition consists of multiple Preliminary Rounds of Appellate Hearings as determined by The AMC3 Competition Officials Committee. There shall also be a Championship Appellate Hearing. All Hearing shall be scheduled by the AMC3 Competition Officials Committee.

**3.2 Appellate Hearing.** An Appellate Hearing is oral argument totaling forty (40) minutes by the Petitioner and Respondent Teams, including any questions by the judges. Each Team is allowed up to twenty (20) minutes of argument (including questions by judges). Each oral argument (including rebuttal by the Petitioner, if elected) shall be presented by two (2) of the individual Participants on a Team. Each Participant’s oral argument may not be longer than ten (10) minutes (including questions by the judges). The Team arguing for the Petitioner may, at their discretion, reserve up to five (5) minutes of their time for rebuttal. A reservation of rebuttal time by the Petitioner (if desired) and also the name of each Team Participant arguing the case and the time allocation desired for each of them must be submitted in writing to the Clerk and Marshal of the Court at the Appellate Hearing prior to the opening of the Court.

**3.3 Preliminary Appellate Hearings.** There shall be at least three preliminary rounds of Appellate Hearings competition (the Preliminary Appellate Hearings’), wherever practicable, in which all Teams compete. Each Team shall in each Appellate Hearing represent either the Petitioner or the Respondent as assigned by the AMC3 Competition Officials Committee. Generally, assignments of a Team to the Petitioner or Respondent shall be made in a manner so as to equally divide the number of times that Team argues for the Petitioner and for the Respondent. In the event that there are an uneven number of preliminary rounds, a coin toss shall be used to determine which Team argues for the Petitioner and which Team argues for the Respondent.

**3.4 Championship Appellate Hearing.** The two Teams with the highest Cumulative Point Score (as defined in Section 5.7) from the Preliminary Appellate Hearings shall participate in the Championship Appellate Hearing. A coin toss shall be used to determine which Team argues for the Petitioner and which Team for the Respondent.

## **SECTION 4 RULES FOR APPELLATE HEARINGS**

**4.1 Closed Problem and Closed Table of Authorities.** The problem for the AMC3 Competition is a closed problem. The problem shall be accompanied by a Table of Authorities which consists of the citations to cases and other authorities, along with copies of each such case or authority. The argument of each Team shall be based only upon on the facts and other matters stated in the problem and the law found in the documents cited in the Table of Authorities furnished by the AMC3 Competition Officials Committee. Teams and their Participants may not cite or use in argument cases or other authorities which are merely cited within the cases included in the Table of Authorities.

**4.2 Timekeeping.** The Clerk and Marshal of the Court shall keep time in each Appellate Hearing. Before each Appellate Hearing, each Team shall specify in writing on an official form to the Clerk and Marshal of the Court and judges the order of argument for each Participant on a Team and the allocation of the total allotted time among the Team’s Participants (subject to the constraints in Rule 3.2). If there is no Clerk and

Marshal of the Court to monitor time, the presiding judge shall appoint a timekeeper.

**4.3 Timekeeping procedures.** The Clerk and Marshal of the Court shall display time cards so that they are visible to the Participant who is presenting oral argument, to the panel of Judges and the Jury of Review. The Clerk and Marshal of the Court shall also announce to the Court when the allotted time shall have expired for each Participant and each Team.

**4.4 Extension Time for oral argument.** The Presiding Judge at an Appellate Hearing may allow an extension of time for oral argument with respect to a Participant or a Team upon a request for an extension and good cause shown.

**4.5 Guidelines for Oral Argument.** Each Participant and Team shall make every reasonable effort to conform to the Guidelines for Oral Argument attached to these Rules as Exhibit "A". Compliance with these Guidelines may be considered by the members of the Jury of Review in scoring each Team in an Appellate Hearing.

**4.6 Notes permitted; Visual aids Prohibited.** Participants and Teams may use personal notes during any Appellate Hearing. Participants and Teams are prohibited from using any type of visual aid during an Appellate Hearing.

**4.7 Attendance of Participants at Other Hearings.** A Participant may attend Appellate Hearings in which his/her Team is not presenting an oral argument. Except for the Championship Appellate Hearing, no Coach may attend an Appellate Hearing unless his/her Team is presenting an oral argument in that Hearing.

**4.8 No substitutions.** A Team of the same Participants must represent the Petitioner and/or the Respondent for every hearing of the AMC3 competition. Substitutions are not permitted once the AMC3 Competition begins.

**4.9 Coaches.** Each Team may (but is not required to) have a Coach who is a faculty member, staff member, or attorney who advises the Team. During the Preliminary Appellate Hearings, a Coach may be present at only the Appellate Hearings in which his/her Team is competing. A Coach may not sit at the counsel table and the Coach may not consult with, contact or seek to influence the Team or Participants during any Appellate Hearing. A Team may have more than one Coach. Each Team should designate in writing to the AMC3 Competition Officials Committee its Coach, if any.

**4.10 Jury of Review Brief.** A Jury of Review Brief may be distributed to members of the Juries of Review for the purposes of briefing them on the issues presented in the problem. The Jury of Review Brief is confidential. Any Team, Participant or Coach that possesses a Jury of Review Brief or uses material from the Jury of Review Brief shall be subject to severe sanctions.

**4.11 Videotaping or Photography of Appellate Hearings.** No videotaping or photography of Appellate Hearings is permitted, except such videotaping and/or

photography as is expressly authorized in writing in advance by AMC3 Competition Officials. By participating in the AMC3 Competition, each Participant, Team and Coach unconditionally and irrevocably agrees that his/her image and/or audio made by or at the request of the AMC3 Competition Officials Committee at any time during the days of the AMC3 Competition may be used at any subsequent time without compensation by the AMC3 Competition and/or the Tennessee Intercollegiate State Legislature Foundation, Inc., for promotional or marketing purposes in any manner.

## **SECTION 5 JUDGING AND SCORING PROCEDURE**

**5.1 Appellate Judges.** At all Preliminary Appellate Hearings a panel of at least two (2) undergraduate student judges shall conduct the Appellate Hearing. Whenever practicable, each panel of judges shall include as the presiding judge an undergraduate student who is a Justice of the Tennessee Intercollegiate Supreme Court. The justices of the Tennessee Intercollegiate Supreme Court shall preside at the Championship Appellate Hearing. Each panel of judges shall be advised by an active or retired attorney, or judge of the state or federal judiciary. All panels of judges, including the presiding judge, shall be designated by AMC3 Competition Officials.

**5.2 Scoring by Jury of Review.** Each Preliminary Appellate Hearing shall be attended and scored by a Jury of Review composed of at least two (2) persons who shall be either active or retired attorneys, higher education professors or administrators, or judges of the state or federal judiciary. The members of each Jury of Review shall be designated by AMC3 Competition Officials Committee. Each member of the Jury of Review shall score each Participant who presents an oral argument at that Appellate Hearing in each of the six (6) categories listed in Rule 5.5. At the conclusion of each Preliminary Appellate Hearing, the completed ballot of each member of the Jury of Review shall be returned to the AMC3 Competition Officials Committee. The Committee shall then separately total the category scores that were recorded by each member of the Jury of Review for each Participant yielding an individual aggregate score by each Jury of Review member for each Participant who argued in the Appellate Hearing (the "Participant Score"). The average of all the Participant Scores for each Team shall be the Team Score for that Appellate Hearing. In the event of any ambiguity, omission, error or question concerning scoring, the final decision shall be made by AMC3 Competition Officials.

**5.3 Critique by the Jury of Review.** After each Preliminary Appellate Hearing, the members of the Jury of Review shall hold a brief oral critique session separately with each Team and also with the judges that participated in the Preliminary Appellate Hearing.

**5.4 Scoring in the Championship Appellate Hearing.** All scoring in the Championship Appellate Hearing shall be performed by the Justices of the Tennessee Intercollegiate Supreme Court, who shall be advised by such persons as shall be appointed by the AMC3 Competition Officials Committee.

**5.5 Scoring Procedure.** Each Participant who presents an argument at each Appellate Hearing, including the Championship Appellate Hearing, shall be scored by each member of the Jury of Review based upon each of the following equally weighted categories:

- 1. Forensic Ability**  
Presence, Posture, Voice, Eye Contact, Respect, Attire, Behavior, Distracting Mannerisms
- 2. Knowledge of Law**  
Understanding of: the issues, facts of the problem, other cases, statutes, rules, facts, holdings, etc.
- 3. Question Responses**  
Receptiveness, Listened, Direct answer, Anticipated questions, Knew limits. Didn't avoid questions.
- 4. Argument Form**  
Organization, Road map, Strongest argument first, Transitions between arguments, Clear.
- 5. Argument Substance**  
Use of case law, Use of secondary sources. Was it used effectively? Are there logical connections between authority and substance?
- 6. Persuasion**  
Has counsel done everything to persuade you? Precedent, Policy, Reason?

The scoring ranges for each of the above categories for each Participant who presents an oral argument shall be: 1-3 Below Average; 4-6 Average; 7-8 Above Average; 9-10 Excellent.

**5.6 Scores Confidential during Appellate Hearings.** The scores shall be known only to members of the Juries of Review and AMC3 Competition Officials during the Preliminary Appellate Hearings. Scores from the Preliminary Appellate Hearings shall be publicly posted at the conclusion of the conclusion of all the Preliminary Appellate Hearings. Similarly, scores from the Championship Appellate Hearing are confidential and shall be posted after the delivery of the opinion from that Hearing.

**5.7 Tabulations of Scores from Preliminary Appellate Hearings.** At the conclusion of the Preliminary Appellate Hearings, AMC3 Competition Officials shall prepare a complete record of the Participant and Team scores of each Team from each Appellate Hearing. The lowest Team score from the Preliminary Appellate Hearings shall be eliminated for each Team. The remaining Team Scores for each Team from the Preliminary Appellate Hearings shall be totaled to produce a Cumulative Point Score. The two Teams with the two highest Cumulative Point Scores shall participate in the

Championship Appellate Hearing.

**5.8 Tabulations of Scores from the Championship Appellate Hearing.** At the conclusion of the Championship Appellate Hearing, AMC3 Competition Officials shall prepare a complete record of the scores of each Team from the Championship Appellate Hearing. The Team with the highest score shall be the winner and the other Team participating in the Championship Appellate Hearing shall be the Second Place Team. The scores for the Championship Appellate Hearing shall be announced by the Chief Justice from the bench.

**5.9 Score Sheets Available.** After the conclusion of the Preliminary Appellate Hearings and announcement of the Cumulative Point Score for each Team, a Coach may request copies of all the score sheets for his/her Team for the Preliminary Appellate Hearings.

**5.10 Authority of AMC3 Competition Officials in Rules Violations.** Any Coach or Team, or the AMC3 Competition Officials Committee, who reasonably believe that a Rules violation has occurred and such violation has not been raised and acted upon during an Appellate Hearing, may file a complaint with the AMC3 Competition Officials. The AMC3 Competition Officials shall, after giving notice and an opportunity to be heard to the affected Team(s) and/or Participant(s), shall hear and decide the complaint and may order any sanction which they deem appropriate, including but not limited to, expulsion of a Participant, loss of scoring points, forfeiture of the Team in the AMC3 Competition or any Appellate Hearing thereof. In the event of a sanction of forfeiture of any Appellate Hearing, the score of the Team for the forfeited Appellate Hearing shall be recorded as zero.

## **SECTION 6 AMC3 COMPETITION OFFICIALS AND ADVISORY BOARD**

**6.1 Appointment of AMC3 Competition Officials Committee.** The AMC3 Competition Officials Committee shall be appointed annually by a majority vote of the Directors voting in any meeting of the Board of Directors of the Tennessee Intercollegiate State Legislature Foundation, Inc. Each member of the AMC3 Competition Officials Committee so appointed shall serve at the will and pleasure of the Board of Directors of the Tennessee Intercollegiate State Legislature Foundation, Inc.

**6.2 Appointment of Advisory Board.** The Board of Directors of the Tennessee Intercollegiate State Legislature Foundation, Inc. or the Executive Director of TISL may appoint annually a Board of Advisors to the AMC3 Competition.

**6.3 Authority to Establish, Amend and Interpret Rules.** The AMC3 Competition Officials Committee has the authority to enact, amend and/or interpret these Rules at any time upon a majority vote of the Officials present at any meeting. The authority to interpret includes all matters pertaining to the conduct of Appellate Hearings, scoring and

any other procedure or practice necessary or advisable for the conduct of the AMC3 Competition

**6.4 Requirement of Quorum.** The presence or participation of at least fifty percent (50%) of the members of the AMC3 Competition Officials Committee in office at that time shall be necessary for a quorum.

**6.5 Meetings by Means of Electronic Technology.** The AMC3 Competition Officials Committee, or any subcommittee thereof, may conduct its meetings by any utilizing any electronic technology by which all of the committee or subcommittee members may participate and hear and speak to each other.

**6.6 Final Authority for Administration of AMC3 Competition.** The AMC3 Competition Officials Committee is vested with all authority and responsibility in all matters necessary or advisable for the proper conduct of the AMC3 Competition.

**6.7 Appointment of Subcommittees and/or Subordinate AMC3 Competition Officials.** The AMC3 Competition Officials Committee may appoint such subcommittees and/or subordinate AMC3 Competition Officials as the Committee shall deem appropriate from time to time. The AMC3 Competition Officials Committee may delegate to any such subcommittee(s) or subordinate official(s) the power to act on any matter on behalf of the AMC3 Competition Officials Committee. Any such subcommittee(s) and/or subordinate official(s) so appointed shall serve at the will and pleasure of the AMC3 Competition Officials Committee.

## **EXHIBIT “A”**

### **GUIDELINES FOR ORAL ARGUMENT**

1. Each Participant should dress appropriately for Court. Men should wear a suit or sport coat and tie. Women should wear a dress or other business appropriate attire. No jeans, T shirts, school logos or other casual wear items are permitted.
2. Make every effort to arrive at the designated courtroom early. If a Team is not present at the designated start time for the Appellate Hearing, the Court may order that the Team forfeit that Appellate Hearing. A reservation of rebuttal time by the Petitioner (if desired) and also the name of each Team Participant arguing the case and the time allocation desired for each of them must be submitted in writing to the Clerk and Marshal of the Court at the Appellate Hearing prior to the opening of the Court.
3. The Clerk and Marshal of the Court shall command all present to rise upon the Judges’ entry into the Courtroom. The Presiding Judge shall order the Clerk and Marshal of the Court open the proceedings of the Court. After opening Court, the Clerk and Marshal of the Court shall command all present to sit.
4. The Presiding Judge shall order the Clerk and Marshal of the Court to call the Docket. The Clerk and Marshal of the Court shall call the Docket by announcing the names of the Petitioner and Respondent to the case and the names of the Participants for the Team arguing for the Petitioner along with the name of the College/University they represent. The Clerk and Marshal of the Court shall then also announce the names of Participants for the Team arguing for the Respondent along with the name of the College/University they represent.
5. The Presiding Judge will then say “Petitioner you may begin your argument”. At that point, the first Participant shall approach the podium, and state “May It Please the Court, I am \_\_\_\_\_ for the Petitioner”, and begin his/her argument.
6. In arguing before the Court, you may use notes but always try to maintain eye contact with the Judges to the extent possible. When addressing the Court, whether in answering a question or otherwise, always address the Court or any judge as, “Your Honor...” Where appropriate, use hand gestures and/or voice inflections to emphasize key points.
7. The Petitioner usually begins with a very concise statement of the facts, unless the Presiding Judge indicates that a statement of facts is not necessary. Keep in mind that in an appellate court, the parties are not arguing about the factual issues that have usually been determined by the trial court. Thus, the Petitioner should be prepared to quickly move to a summary of the legal issues that are before the appellate court. After the brief summary, begin presenting your legal arguments point by point and citing cases or other authorities from the Table of Authorities to support your arguments. Begin with your strongest arguments first in the event that you run out of time.
8. You should expect to be interrupted by questions posed by the Judges. The proper

handling of judges' questions is one of the finest traits of the accomplished appellate attorney. Questions generally give you an opportunity to demonstrate your knowledge of the law that is applicable to the case.

Stop speaking when the Judge begins the questions and listen to the whole question before answering. Answer the question as quickly and to the point as you can. Do not evade the question. After answering, transition back into your arguments and continue.

9. When the time allotted for the first Participant for the Petitioner is near exhausted, be sure to summarize your arguments and finish on time. At that point, the second Participant to address the Court for the Petitioner should stand at the podium and await the signal from the Presiding Judge to begin.

10. If the Petitioner has reserved time for rebuttal, then after the Participants have completed their arguments to the Court for the Respondent, the Participant giving Rebuttal for the Petitioner should stand at the podium and await the signal from the Presiding Judge to begin.

Rebuttal is used to respond to arguments raised by the Respondent in argument before the Court. Responding to arguments by the Respondent also usually gives the Petitioner's Participant the opportunity to emphasize the strongest arguments raised by the Petitioners. Rebuttal may not be used to make argue new issues before the Court.

11. The procedures for arguments by the Respondent's Participants generally is the same as that used by the Petitioner except for two points. First, the Respondent's statement of the facts of the case is usually limited to pointing out any facts that the Respondent believes the Petitioner omitted or did not state accurately. Second, the Respondent is not entitled to give Rebuttal.

12. After the Petitioner has concluded Rebuttal, or if there is no Rebuttal after the Respondent has concluded argument, the Presiding Judge will order the Clerk and Marshal of the Court to adjourn Court.

13. The Clerk and Marshal of the Court will command all persons to rise. All persons will remain standing until the Judges have exited the Courtroom.

14. The members of the Jury of Review shall retire to a separate designated room to complete scoring the Petitioner and Respondent Teams. The Jury of Review shall hold a brief oral critique session separately with each Team that participated in the Appellate Hearing.