



Model Illinois Government Moot Court Bylaws

ARTICLE 1 Purpose and History

The purpose of the Model Illinois Government Moot Court Competition is to expose all participants to a realistic oral argument expression based upon the attributes of the case presented, given the circumstance of a competition of this nature. Oral advocacy skills are emphasized, and therefore, legal research is *not* required.

The Model Illinois Government Moot Court Competition is administered by the Model Illinois Government Chief Justice and is charged by the Model Illinois Government Bylaws in Article II, Paragraph F as follows:

Clause 1 – The Model Illinois Government Executive Board shall be charged with the duty of conducting a complete judicial branch simulation and this branch will be called “The Supreme Court of Model Illinois Government”.

Clause 2 – The Moot Court shall be conducted as a simulation of the Supreme Court of Illinois. The simulation shall be researched as a closed memo moot court case and the Chief Justice of the Judicial Branch shall be responsible for compiling or supervising the compilation of the closed memo as provided in the Moot Court Bylaws incorporated herein.

ARTICLE II Administration

A. Model Illinois Government Moot Court Administration

The Model Illinois Government Moot Court shall be administered by the Model Illinois Government Chief Justice and any persons appointed by the Chief Justice

B. Election of the Chief Justice

The Chief Justice of the Model Illinois Government shall be elected according to the procedures outlined within the Model Illinois Government Constitution; stated in Article III, Section D, Clause 6 and 7.

ARTICLE III

Team Competition

A team must consist of two (2) students attending the same member school. Students in any year of school, other than law students, are eligible. Each team must designate, on their registration form, a mailing address for the contact person to whom all official correspondence will be sent. The contact person may be the faculty advisor, a team member, or a head delegate. Every team is encouraged to have an attorney/coach, though it is not required.

ARTICLE IV

Time Table

Member schools should hold orientation meetings with new students to begin preparation for the upcoming competition no later than December of the academic year.

The Chief Justice shall decide on a case scenario by November and forward same to participating schools. Participating schools/teams should review their scoring sheets of the last competition and begin working on weak parts of their presentation.

By January, schools/teams should begin familiarizing themselves with the memo by organizing issues, facts and law into oral arguments. Participants should begin practicing oral advocacy techniques. Advice from attorneys should be sought at this stage to critique performances, give advice, or tips on technique. Questions regarding the memo should be resolved at the Model Illinois Government Meeting of the Whole. The Chief Justice should have both rooms and judges secured and begin formulating actual Competition administration and logistics.

ARTICLE V

Closed Court Memo

The Chief Justice will designate the transcript of the record in the form of a closed court memo case. The case will be similar to or developed from an actual case. Criteria for selection of the case used in the competition include, but are not limited to the nature of the cause of action, the likelihood that either the Petitioner or the Respondent will prevail, and the quantity and quality of issues raised for review. The Supreme Court of Model Illinois Government will provide a closed court memo and copies of all necessary case references. No other outside references, other than dictionaries and law dictionaries, are permitted. Citation to outside references not included in the case memo has, in the past, resulted in disqualification.

ARTICLE VI

Competition Rules

A. Argument Time Limits

Oral arguments shall be limited to thirty (30) minutes per team. This may be extended at the discretion of the court. Such an extension of a speaker's argument shall be without prejudice to the other team member or the reserved rebuttal time. The team representing Petitioner in each oral argument may reserve up to five (5) minutes of the thirty (30) minutes for rebuttal argument. Only one (1) person may argue the rebuttal. Any team member who argues for less than ten (10) minutes may be penalized at the discretion of the judges (up to 10% of oral score) (see Article VII). The thirty (30) minutes need not be divided equally between the team members provided that each team member argues the required ten (10) minutes. Each speaker will be permitted two (2) time cards (or warning lights), one for two (2) minutes remaining and one to indicate that time has expired.

B. Designation of Side that Teams will Argue

The side that a team will argue in the first preliminary rounds of the competition will be determined by the Supreme Court through random drawing as soon as the exact number of teams for the competition has been determined and the teams have been identified. The Supreme Court will assure that in subsequent rounds the teams will change sides of their argument.

C. Preliminary Rounds

In the preliminary rounds of the competition, each team will argue at least twice as Petitioner and twice as Respondent. In subsequent semi-final round of the competition, a team will argue the side it is assigned by random drawing without being assured either one side or the other. For these reasons it is imperative that a team be well versed in the facts, law and precedents of the closed memo and be prepared to argue the case from both positions.

D. Oral Argument Scoring

The scoring of the oral arguments will be based upon a maximum possible score of thirty (30) points per oralist. The judges will be given a list of criteria and each judge will score each team member on each criteria. The criteria to be used by the judges is delineated in Article VIII of the Moot Court Bylaws.

E. Number of Judges Per Argument

There shall be three (3) judges per argument whenever possible in the preliminary and semi-final rounds. A lesser number is allowed but not advised. The final round shall be judged by the totality of judges.. The Supreme Court Judges will not score teams from their own school because of the conflict of interests. The winner of the final round shall be the winner of the Moot Court competition.

F. No Assistance Permitted

The team coach or faculty adviser may advise the team during the preparation of the team's argument and review the work done by the team. No one may give advice or instructions to or attempt to communicate in any way with any of the participants during the oral arguments. This precludes the passing of notes to a team member while he/she is standing for the purpose of making his argument.

G. Open Court

Visitors are welcome at all sessions of the Moot Court competition.

ARTICLE VII Tournament Advancement

A. Advancement to Semi-Final Round

Clause 1 – The winning side of any preliminary round shall be determined by the total points received by both advocates. The higher score shall win.

Clause 2 – Advancement to the semi-final round shall be by the win/loss record after four (4) preliminary rounds. The four (4) teams with the best win/loss records shall advance to the semi-final round. Should there be more than four (4) teams with sufficient win/loss records, the cumulative point scores will be used to break any tie.

Clause 3 – Using cumulative point scores (after four preliminary rounds), the Court shall assign the team with the highest score to argue against the team with the third highest score, and the team with the second highest score to argue against the team with the fourth highest score.

B. Advancement to Final Round

Clause 1 – The winners of the semi-final round shall be determined by a vote of the judges.

Clause 2 – The winners of the semi-final round shall advance to the final round.

C. Outstanding Team

Clause 1 – The Outstanding Moot Court Team shall be that team that wins the final round.

D. Outstanding Attorney

Clause 1 – The outstanding attorney shall be that advocate who received the highest individual cumulative points in the preliminary (four) rounds. The outstanding attorney need not advance to semi-final and final rounds.

E. Open Court

All rounds are open to visitors, including other competitors. All deliberations are closed to all except the judges.

ARTICLE VIII Bailiffs and Training

A. Bailiffs

Clause 1 - The Chief Justice is responsible for providing bailiffs. Bailiffs are responsible for making sure participants and judges are ready to begin the argument. Their other duties are to assist the judges and the Supreme Court when needed.

Clause 2 - The Chief Justice is responsible for acquainting bailiffs with the rules. It is recommended that a bailiff orientation be held by the Supreme Court to review these rules and procedures prior to the first round.

Clause 3 - Bailiffs are responsible for timing the arguments. The bailiff will show two cards to each speaker, one to indicate two (2) minutes remaining of the speaker's allotted argument time and one to indicate the speaker's time has expired. No other time cards are permitted. Bailiffs are reminded to show the cards to both the speaker and to the bench. When "TIME" is shown, the advocate must stop or ask permission of the court to complete his idea or otherwise continue. The court may permit the advocate to continue at its direction.

B. Timing

Clause 1 - Petitioner rebuttal is limited to five (5) minutes. It must be "reserved" in advance. Only the "TIME" card is permitted for the rebuttal speaker. Rebuttal time is a part of the team's allotted 30 minute argument time. It is not part of the ten minute minimum during main argument.

Clause 2 - No team member may argue less than ten (10) minutes to his main argument. If an advocate shall speak for less than ten (10) minutes in main argument, the bailiff shall so inform the judges after the round and in the presence of all participants. At the discretion of the judges, failure to speak for at least ten (10) minutes may subject that speaker to a penalty on not more than ten percent (10%) of the speaker's oral score.

Clause 3 - Scoring sheets of all the rounds will be held by the Chief Justice until after the competition is completed. Chief Justice will distribute copies of scoring sheets to the respective schools within two months of the end of the simulation.

ARTICLE IX

Judges

The Chief Justice shall recruit competent competition judges who may be law professors, judges or justices, or practicing attorneys. Enough competition judges should be recruited so as not to overload any judge with continuous judging. All judges shall be briefed as to the competition rules and the law regarding the problem prior to judging. At least one month before competition, the judge should be given the judges' packet containing a cover letter, a copy of the problems and the competition rules.

Judges shall be informed of the scoring procedures and given adequate scoring sheets, together with judging criteria. The scoring sheet and judging criteria is added as Appendix 1. Judges should also be informed as to procedure (i.e. time limits, role of bailiffs, asking questions, etc.). *Judges shall be informed that judging shall be according to oral advocacy skills without any consideration as to which team should win on the merits.* Judges should also be advised that post-argument discussions among themselves as to which team should win are not recommended. Any discussions should be solely for the purpose of tabulating scores. Judges shall not announce win or loss. Personal comments to the team concerning their arguments by the judges are encouraged.

There is a difference between winning or losing on merits versus on the oral advocacy skills. Judges may, at their discretion, issue a ruling on the merits of the case, so long as they make clear that such a ruling is not a reflection of the decision on the oral advocacy skills.

ARTICLE X

Disputes and Final Interpretation of the Rules

The authority for interpretation of the rules is vested in the Model Illinois Government Supreme Court. Grievances may be made to the court, with its decision being final. The grievance shall be used to prevent future occurrences of such disputes.