

**Guidance for  
Conducting Moot  
Court Competitions  
(2020–2021)**

## Introduction

In the wake of COVID-19, close to 100 Advocacy educators from law schools around the country met weekly on Zoom to discuss the effect of the pandemic on Moot Court competitions. This document is born from the discussions and meetings of those stakeholders who collaboratively engaged in drafting and editing these guidance recommendations. While this document focuses primarily on the unique situations faced when hosting an online competition, it also examines the challenges encountered by hosting an in-person competition during the COVID-19 crisis.

Many thanks to the coordinator of this effort, Rob Galloway, the working groups who drafted the practices, and Ellen Suni, who provided helpful edits to the final draft. The names of those involved are listed below:

### **Coordinators and Leaders:**

Rob Galloway, South Texas	Guidance Coordinator
Brooke Bowman, Stetson	Rules for Virtual Competitions Working Group Leader
Michael Hernandez, Regent	Hosting Virtual Competitions Working Group Co-Leader
Jennifer Franklin, William and Mary	Hosting Virtual Competitions Working Group Co-Leader
Kent Streseman, Santa Clara	Hosting In-Person Competitions Working Group Leader
Heather Baxter, Nova	Document Editor

### **Rules for Virtual Competitions Working Group Members:**

Jennifer Copland, Michigan State  
Randall Ryder, Minnesota  
Ellen Suni, UMKC  
Ed Telfeyan, McGeorge  
Joanne Van Dyke, Syracuse

### **Hosting In-Person Competitions Working Group Members:**

Jeff Brooks, LSU  
Brad Clary, Minnesota  
Vicki Lowery, Mississippi College  
Toni Young, UC-Hastings

### **Hosting Virtual Competitions Working Group Members:**

Ann Baker, New York Law School  
David Johnson, George Washington  
Cherish Keller, Chicago-Kent  
Jim Lawrence, Houston  
Jennifer Romig, Emory  
Connie Smothermon, Oklahoma  
Jen Taylor, Boston University  
Gerry Weber, Emory  
Alan Woodlief, Elon

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## Definitions

- (1) Virtual Competition – A virtual competition is conducted entirely online through the use of Zoom, WebEx, or other similar platform.
- (2) In-Person Competition – An in-person competition is held with participants physically together in one space.
- (3) Hybrid Competition– A hybrid competition is conducted with some teams physically on site while others participate virtually.

## 2020–2021 General Standards for Moot Court Competitions

Whether in-person or virtual, there are a few underlying standards that need to be kept in mind when hosting a Moot Court Competition:

- Providing educational opportunities for the students;
- Ensuring clear communication with all constituencies;
- Ensuring transparency;
- Preserving fairness and accuracy;
- Striving for comparable experiences across platforms in an uncertain time.

### I. Guidance for Hosting a Virtual Moot Court Competition

The goal should be to design a virtual competition that replicates, as much as possible, an in-person competition. Because there are so many things to consider when moving an in-person Moot Court competition to a virtual competition, four primary areas need to be addressed:

- Rules
- Administration of the Competition itself
- Providing Guidance to Competitors
- Providing Guidance to Judges

In all these areas there are three things to keep in mind:

- Have clear rules, standards, and requirements. In many instances, there is more than one way to address the issue. Pick an approach, write a clear rule, and apply the rule consistently.
- Communicate the rules and competition expectations to all—coaches, competitors, and judges. Send out rules well before the competition.
- Explain the consequences for not following the rules and impose those consequences consistently and fairly.

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### Standard 1: Recommended Practices: Rules

#### Standard 1.1: Briefs

It is unlikely that the move to a virtual competition should significantly impact the rules regarding the writing or submission of the brief. There are, however, two areas where a host school may wish to alter their in-person rules for a virtual competition: submission of briefs, and weight of brief scores.

- (A) If a competition does not already require brief submission to be electronic, such a requirement is almost a necessity for a virtual competition.

*Comment: At least for the 2020–2021 school year, the move to virtual competitions is because of the limitations on person-to-person contact created by the pandemic. As a result, hosting schools should be prepared for the possibility that delivery of hardcopies to the host or from the host to the brief graders may be impossible or undesirable. Electronic submission allows for no-contact delivery of briefs for grading.*

- (B) A host school may want to consider weighing the brief score more heavily than usual in order to counterbalance any disadvantages that may arise from problems during oral arguments related to technology.

*Comment: There are real concerns that some students may be disadvantaged by a bad internet connection, poor camera or microphone quality, etc. Providing greater weight than usual for the brief score in some manner may serve to address this problem.*

#### Standard 1.2: Oral Arguments

The move to a virtual competition will most impact oral arguments. Rules will need to be developed to address the virtual nature of the argument itself, ensure anonymity, and make clear any limits on judges, the scheduling and timing, scoring, scouting and cheating, and handling challenges—just to name a few.

*\*Note: Some of these issues will overlap with the administration of the tournament itself and may be addressed under those standards.*

- (A) Rules need to be developed that address the virtual nature of the argument:

1. Will competitors be required to sit or to stand? What should a competitor be doing while the other competitors are arguing?

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*Comment: Concerns have been raised that, if students are “sheltering in place” they may not have the flexibility to move from a sitting to a standing position for oral argument.*

*Suggestions have been raised to have only the person speaking and the judges have the video on to minimize distractions. On the other hand, as in in-person competition, the competitor’s presence at counsel table is viewable. To minimize confusion, there should be a rule clearly addressing this issue. In addition, as addressed later in the document (See Standard 2.2(C)(10)), the two competitors who are arguing should be given the opportunity to communicate with each other as they would at counsel table during an in-person competition. Suggestions include setting up a private chat for each team or allowing teammates to text each other under defined parameters (and with notice to judges to avoid having judges penalizing competitors for permitted conduct).*

### 2. What/who may competitors have with them during argument?

*Comment: Concerns have been raised that in a virtual setting, competitors will have access to far more than they would have while arguing in an in-person competition. Hosts may wish to implement rules that address what a competitor may have present while arguing. Additionally, hosts should develop and implement rules regarding who may be present in the same physical space during argument. To provide as level a playing field as possible for all competitors while affording ease of administration, it is recommended that, if teammates who are arguing are permitted to be in the same physical room, each should be required to sign on to the platform independently. Similarly, hosts should develop and implement rules regarding whether a non-arguing member of a team can be in the same physical room with one or more of their teammates. In an in-person competition, that person would be allowed to be present in the courtroom, but usually may not sit at counsel table. It seems clear that person should be permitted to attend the oral argument in a virtual competition, but would that person be allowed to be physically present in the room with a competitor who is arguing? Hosts should consider and develop rules to resolve this question.*

*Finally, hosts will also need to determine and establish rules as to whether coaches may be in the same physical room as students who are arguing. It is recommended that this should not be permitted if coaches are able to view the arguments virtually.*

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3. What technology may competitors have and use during arguments?

*Comment: This is an extension of the prior comment. Hosts should consider and develop rules regarding whether competitors may use technology, such as computers, tablets, and phones, during arguments, and if so, if there are any limitation on such use.*

4. What must the judges/bailiffs be able to see?

*Comment: If there are restrictions on who or what may be in the room with the competitor or on use of technology, will there be a requirement that judges be able to “see” the room to ensure compliance? Will a stipulation of compliance be sufficient? (See Standard 1.2(F)(4).)*

- (B) Ensuring anonymity: Action should be taken to prevent judges from learning the name of a competitor’s school.

1. Judges should not look up competitors online or attempt to learn school affiliation during the competition. (See Standard 3.3 below.)

2. Although the consensus is that it is preferable to use competitor names during the competition, an alternative to ensure anonymity would be to require competitors to use a number identifier instead of name.

*Comment: The need for anonymity becomes more necessary where instant access to the internet during a round may allow for name searches, which may lead to identification of one’s school. To address this, as discussed in Standard 1.2(B)(1) and Standard 3.3 if competitors may use their names, judges should be instructed not look up competitors online during the competition. If using number identifiers instead of names, the rules should require the use of the identifier in place of a competitor’s name on zoom or similar platforms). In addition, using numbers instead of names may require that competitors be populated into the moot court room or bumped to a breakout room before the judges are admitted to provide the opportunity for competitors to make sure that their name has been removed and repopulated with the competitor number. This may be necessary because there have been several reports of people having difficulty changing the name as it appears on the screen before joining a session. This approach would add a level of complexity and may require additional time between rounds.*

3. Action should be taken to ensure that identifiable facilities at a school are not used by competitors when arguing during the competition.

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*Comment: Unique rooms, such as the school's ceremonial moot court room, may be identifiable to volunteers who judge in multiple competitions. Having specific rules regarding the use of such rooms, backgrounds, etc., will help eliminate issues of school identification.*

4. Action should be taken to regulate competitor backgrounds to ensure that they do not disclose anything that could identify a competitor's school.

*Comment: Hosts should clearly articulate what backgrounds are acceptable and ban anything that could identify the competitor's school. It may be advisable to provide virtual backgrounds for competitors or judges, but be advised that such backgrounds are not available on all platforms, may not be compatible with competitor equipment, and can cause virtual bubbles where some of the competitor appears to disappear into the background.*

*\*Note for coaches: If the competition requires virtual backgrounds, coaches are encouraged to conduct practice moots with the host platform as well as the required background. Doing so will allow identification of any issues, including whether the school's situation will not support the use of the required background. This will allow these issues to be resolved in advance, perhaps by using different equipment if available, or seeking appropriate accommodations from the host school.*

5. Think about how to do the judge's conflict check.

*Comment: This may be trickier than having in-person conflict checks. One method could be bringing the judges into the "courtroom" to "look" at the competitors and then immediately moving them into a breakout/holding room until the conflict checks are completed.*

- (C) Consider not permitting anyone to judge who has judged practice arguments.

*Comment: If teams prepare for oral argument virtually, the number of available practice judges is drastically increased because there is no limitation on distance. A host may wish to include a rule addressing who may serve as practice judges. At a minimum, a host should have a rule prohibiting any judge who engaged in practice arguments for a school from judging that school at the competition. There was strong sentiment that any person who has served as a practice judge should not serve at all as a judge in the competition. If the competition does allow practice judges to serve as*



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*competition judges, it is recommended that practice judges not be allowed to moot practice rounds after the bench brief has been distributed to them.*

### (D) Scheduling and timing rules:

*\*Note: Logistical issues, such as taking time zones into account, and minimizing impact on student schedules are addressed under Standard 2.1(C). It is important to note, however, that the clear consensus is that no round should start earlier than 8:00 a.m. or later than 8:00 p.m. in any of the four time zones across the continental U.S.*

1. There needs to be set rules/guidance regarding the impact of lag, or technical glitches that may come up during argument.

*Comment: Will time pause for a glitch? Is there a set time before a round is called off? And, if it needs to be called off, what will be the result? Rescheduling?*

2. Consider what timing device will be utilized and how it will be handled.

*Comment: Will there be a timer shown on the screen or will a bailiff hold up time cards?*

3. Set clear rules regarding the role of the bailiff/clerk of court and carefully consider who will fill that role.

*Comment: Because the role of the bailiff in a virtual competition is likely to be more significant than in an in-person competition, it is recommended that the traditional bailiff role be expanded to a broader clerk of court role. While the clerk will still be responsible for calling court and timing arguments, the clerk in a virtual competition will also be responsible for (at least initially) dealing with any of the issues unique to virtual competitions, including staying especially alert for signs of rule violations (see cross-reference) and resolving issues with the technology or serving as a liaison to IT (See Standard 2.2(E)7). It is important that the people selected as clerks have good judgment and are fully trained with regard to the rules, their responsibilities, and who to contact in the event of a problem.*

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(E) Scoring: Think about and plan for how judges will score and confer.

1. Rules should account for how scores will be recorded (see Standard 2.2(c)(12) for recommendations), and whether judges may confer with each other.

*Comment: If judges may confer, the host may wish to create a breakout room solely for the judges or, alternatively, create breakout rooms for the competitors and their coaches, pulling them back into the main room after the judges have concluded the scoring. Depending on the platform, it is likely this can be done only if the host or clerk of court is present in the room or if the presiding judge is designated as a cohost.*

2. Rules should account for those aspects of the virtual competition that are appropriately subject to scoring and those that should specifically be excluded from scoring.

*Comment: Experienced moot court judges may have expectations regarding demeanor, eye contact, and other aspects of moot court arguments based on observations of in-person arguments and may base their scoring on those expectations. In virtual arguments, however, there are aspects over which competitors may not have control, such as whether they are sitting vs. standing, lighting, camera location, and technical glitches. Hosts may want to prepare guidelines to address these concerns, and judges should be instructed on the unique aspects of a virtual competition to ensure that their expectations are consistent with the guidelines and the limits of student control.*

(F) Scouting/Cheating: Like in-person competitions, the rules for virtual competitions should prohibit cheating. However, care should be taken to be definitive about what is or is not prohibited. Consider rules addressing scouting, communications between oralists and non-oralists, researching online during the competition, etc. Nothing in this section should be construed to limit the number of times that students can practice with each other before the competition.

1. Scouting: Who may watch the arguments? This needs to take into consideration not only being present in the virtual courtroom, but also being physically present in the room with the competitor.

*Comment: The consensus is that for all but a live-streamed final round, attendance in rounds should be limited to the team members, judges, the clerk of court, and one coach per team.*

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2. Consider specifically addressing what technology might be accessed during a round. Consider specifically prohibiting sending notes between competitors while one competitor is arguing.
3. Consider creating rules addressing who in the “room” may/must have their cameras and microphones on and when.
4. The consensus recommendation is that the rules make clear what assistance is allowed and what is not. The consensus is also that the competitors be required to certify that they have complied with the rules at each round.  
*Comment: Virtual arguments pose different circumstances than in-person arguments and may require additional precautions. We do not recommend requiring competitors to scan the room with their devices before the start of each round or other similarly intrusive steps. In any event, the clerk of court (or bailiff) should be trained to be alert for signs of impermissible activity and how to respond if such activity occurs.*

### Standard 1.3: Technology

As with previous standards, there will be some overlap with standards related to the technological administration of the competition. Please consult that section as needed. (See Standard 2.2). The technology is relatively new and with a variety of platforms available, there should be rules that address specifically what platform(s) (and what aspects of the chosen platform) will be used. As will be stressed later in Standard 2.2, it is highly recommended that all hosts secure access to IT support during the competition. Rules should address whether to require training/test runs before the competition, how teams should “check in,” where they will wait before the round and during deliberations, who should be contacted, and what steps will be taken if a failure occurs.

(A) Adoption of a platform: Choose a platform and set rules regarding its use.

*\*Note: It may be tempting to accommodate some schools by allowing them to argue by telephone while the remainder of the competitors argue using the video platform. Doing so, however, would create an uneven playing field with some competitors being judged by standards that are not applicable to others. It is recommended, however, that all competitors have phone access available to reach the clerk of court if connectivity issues develop, and that a host school may wish to adopt a rule that calls for a shift to phone arguments if a technological failure occurs.*

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- (B) Consider requiring training or test runs to minimize the potential for technical problems.
- (C) Have the rules address “check in” for the competition and for individual rounds.
- (D) Consider scenarios involving technical difficulties and articulate the remedies. What should a competitor or judge do if they lose connection? Will the round pause until everyone has returned to the room? Under what circumstances, if any, would a round be rescheduled for a “do-over?”
- (E) Contemplate the need to address accessibility accommodations.

### Standard 1.4: Challenges:

- (A) Set a clear timeframe for when challenges to a round may be made.
- (B) Set parameters regarding what can be challenged.
- (C) Provide a clear mechanism for how and by whom challenges can be made.
- (D) Any challenge should specify as accurately as possible what happened and why.

*Comment: It is recommended that challenges must be made before judges submit their scores. Consider giving the coach or a designated team representative the name of a particular competition administrator with whom to lodge a challenge and ensure that that administrator will be available when needed.*

## Standard 2: Administering a Virtual Competition

Hosting a virtual competition involves numerous decisions unique to the online platform. These decisions impact the competition itself, use of technology, and conducting the oral argument rounds. There are several components within each category.

### Standard 2.1: General Competition Issues

Several aspects of the in-person competition are applicable, with modifications, to running a competition, generally. These aspects include registration, competition length and timing, dress requirements, scoring/weight of briefs and oral argument, substitutions, and signing into the competition as a whole. Specific recommendations for competitors and for judges are addressed in later sections.

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(A) Registration: This standard addresses the cost of the competition, the methods of payment, number of teams, timing of registration, and refund/cancellation policies.

1. The general consensus is that registration fees for a virtual competition should generally be less than for an in-person competition.

*Comment: The overall cost to a school is likely to be lower with a virtual competition, as there are no food or banquet fees and no travel fees for judges. There will, however, be additional costs associated with running a virtual competition to secure adequate technological support. The consensus is that the amount charged bear some relation to the actual costs of running the competition, a reasonable maximum fee should be no more than between \$300 and \$500, and a lower amount should be charged if feasible.*

2. Method of payment: It is recommended that there be clear instructions regarding the method and timing of payment, and competitions should consider unbundling payment from registration. Competitions should also consider being flexible with the payment methods accepted.

*Comment: At this time, many schools are facing strict budgetary constraints, which may include a lack of access to funds until after the start of the upcoming fiscal year. In addition, student-run boards may lack access to a credit card and acquiring a check may take longer where the sudden move to distance learning may have caused limited or no overlap between the 2019-2020 board and the 2020-2021 board, interfering with the financial transition.*

3. Concern has been expressed about there being higher demand for fall tournaments and there being limited access given the number of tournaments that have cancelled. Schools are concerned about being shut out of competitions if they are simply offered on a first-come/first-serve basis. Two options have been presented:
  - a. Limit registration to one team per school, or to one team with a second being placed on a waiting list.
  - b. Increase the size of the competition to accommodate more teams.

*Comment: Some schools prefer option a because it allows a broader range of schools to participate in virtual competitions, but others, who desire to send two teams to a single competition and try to avoid having a team on a waiting list so they can finalize their schedules for the fall, prefer b. Hosts may want to take these factors into account in deciding how to process applications for spaces in their competitions.*

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4. It is recommended that hosts decide regarding whether they will host fall competitions on-line or in-person by the beginning of July, and open registration as soon as possible thereafter.

*Comment: Many schools are unable, or may prefer not, to register teams for competitions being held in-person, or which are still undecided. Because decisions by individual schools can have a “trickle-down” effect on the ability of other schools to plan their competition schedules, early decisions regarding competition format are important.*

5. Host schools should consider their cancellation/refund policy if individual teams must withdraw or if the host must cancel the competition. Whatever policy is chosen should be published when registration is opened.

*Comment: The consensus is that a competition should not be cancelled except for an emergency, and that contingency plans should be part of every competition this year. Also, there is consensus that competitions should allow for full or partial refunds if withdrawal or cancellation become necessary.*

(B) Length of Competition: With the move to a virtual environment, there may be a need to expand the timeframe of the competition to offer more flexibility or to accommodate timing (see 2.1(C)). The consensus, however, was that a competition should not expand by more than one additional day.

(C) Timing of Rounds. The host should consider the time zones occupied by competing schools and by judges.

1. The consensus is that no round should begin before 8 a.m. in any time zone, and that no round should begin after 8 p.m. in any time zone.
2. Hosts should consider the impact on student schedules when attempting to expand a competition into a school week.

(D) Dress: To foster as professional an atmosphere as possible, the consensus is that (to the extent possible) competitors wear full courtroom attire. It is also recommended that judges either wear a robe or courtroom attire.

*Comment: As necessary, accommodations should be made for circumstances preventing compliance. In such circumstances, competitors and judges should be encouraged to dress professionally, and judges should be asked to overlook any disparities.*

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### (E) Submission of brief and weight of brief for oral argument.

1. Competitions are strongly encouraged to allow for electronic submission of briefs (and for allowing the use of electronic signatures on certifications).
2. Brief scores should be a factor in determining pairings and advancement at a competition. Perhaps consider weighing the briefs more than usual.

*Comment: See Standard 3.2(B) for suggestions regarding weights and adjustments to scoring to prevent too much emphasis being placed on things affected by “technology” (and likely out of a competitor’s control) rather than the oral argument presentation itself.*

### (F) Substitutions: Due to the circumstances, hosts should prepare for the possible substitution of competitors. All competitions should allow schools to register 3-person teams, which would allow for seamless substitution if a member of a team cannot compete due to illness, and/or to designate an alternate competitor per team, as NAAC does.

### (G) Sign-In: Consider and plan for how and when teams will “sign in” to the competition, including ensuring that they have proper connectivity and technical support.

Standard 2.2: Use of Technology. This section addresses the choice of platform and handling connectivity issues.

### (A) The host school should choose from the variety of platforms (e.g. WebEx, Zoom, Microsoft Teams, Bluejeans, Google Meets, Skype, etc.) fairly early and ensure that the school has the appropriate licenses, functional technology, and IT support to use the platform.

1. Plan in advance for how technology will be used (e.g. breakout room for advocates to await judges’ feedback, chat function, etc.) and to ensure such uses are secure.
2. Explore options and pros and cons, including availability of breakout rooms, security, etc.
  - a. There is some indication of student dissatisfaction with WebEx, though some schools have found WebEx to be very suitable for the final round.
  - b. Zoom presently is most familiar and may be most user friendly and flexible but also has security issues that need to be planned for.

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3. Consider the possibility of using a different platform for the final round to allow more observers to attend or livestream the final round.
4. Competitors must be informed of the chosen platform in time for them to prepare to compete in the platform. The host school should provide advance access to the platform and an opportunity to get familiar with it before the first round.

*Comment: This could be accomplished by providing a “practice room” that could be opened up a week in advance for teams to practice using the format.*

### (B) Connectivity issues:

1. Hosts should ensure that they have adequate functional technology, including necessary IT support. It is strongly suggested that competent technology support be available during the competition to troubleshoot any problems as they arise.
2. Each round must accommodate up to 15 people (up to 3 competitors per team, 1 coach per team, clerk of court, and 3 judges, with a couple of extra spots to ensure flexibility).
3. Hosts should advise competitors well before the competition regarding technology/connectivity requirements—for example, that competitors should:
  - a. Have a stable, high-speed Internet connection
  - b. Limit competing bandwidth use during argument
  - c. Keep equipment plugged into a charger rather than relying on battery
  - d. Keep connection information (both for Internet and backup phone) at hand so they can quickly reconnect if necessary
  - e. Be required to connect online and have backup phone connection available if connectivity is lost.
4. Hosts should have plans for accommodating connectivity problems that arise during rounds:
  - a. The clerk of court (see more below) must provide a way for competitors to text/call if connectivity is lost. This can involve providing a cell number or setting up Google phone numbers for this purpose.



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- b. If connection is lost, the round must be paused until connectivity is restored. The competition must announce in advance its general policy for how to handle this situation.

*Comment: One suggestion is to give the clerk of court and/or the Chief Justice the authority to decide how to fairly resume, but there should be some guidance to ensure that there is not disparate treatment in differing courtrooms.*

### (C) Conducting Rounds: Some tips to hopefully avoid “issues” during the competition itself.

1. Require everyone to connect between 15-30 minutes before a round is scheduled to begin, so that connectivity can be verified for everyone. Also, if the competition requires the use of competitor numbers instead of names, it would be advisable to require competitors to connect 10 to 15 minutes before the judges.
2. MUTE entry tones so there is no noise when people enter or leave the virtual courtroom.
3. Give clerk of court/Chief Justice discretion, with consent of teams, to begin a few minutes early if all are present and ready to go.
4. Size of panel- The consensus is that panels should be limited to 3 judges for preliminary/elimination rounds, and that a panel be limited to 5 judges for the final round.

*Comment: This limitation is to ensure that the competitors can “see” all the judges and to minimize clutter on the screen during argument.*

5. At this time, there are no recommendations to place any limits on questioning. If the platform is set up properly and all users are capable, there should be no need to limit or otherwise control questioning.

*Comment: It is important to try to provide as realistic an experience as possible and to maintain the integrity of the oral argument as a conversation.*

6. The Chief Justice should be selected based on the ability to lead a virtual courtroom, rather than solely on seniority or random selection.

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7. Provide a clerk of court, who oversees the round. (This may be in addition to, or in place of, the traditional bailiff).
  - a. The clerk of court should be a strong person capable of handling all technological matters and taking charge when problems arise (see Standard 1.2(D)(3).)
  - b. The clerk of court would “set the table” and assemble judges and competitors at the start of the round; track and display time; stop and start the clock if connection is disrupted; decide when to utilize a back-up phone line or when to resume online argument; fix connectivity issues, etc.
  
8. Recommended way to track time:
  - a. On Zoom, it is possible to utilize the chat function that is shut down to all other users. On any platform, the clerk/bailiff can flash cards or present a running clock on screen. More than one method can be used.
  - b. If using a virtual background, the clerk of court should be careful with visuals (such as time cards) to avoid them from fading away.
  
9. Screen/Mute recommendations:
  - a. Judges: Video on and mute off during entire round.
  - b. Competitors: Video on during entire round. Muted except when arguing.
  - c. Clerk of court: Video on and muted for entire round.
  - d. Coaches, others (though it is recommended that no one else be permitted to attend the earlier rounds): No Video and Mute On for entire round.
  
10. Considerations/brainstorming is needed to address how teammates can communicate during the other team’s argument, as they would if the competition were in-person.

*Comment: One suggestion is to create a designated chatroom, and another is to allow texting between the students within defined parameters. (See Standard 1.2(A)(1).)*

11. Recording of Rounds:
  - a. Hosts should determine if they intend to record rounds, and if so, for what purpose. Hosts should also specify whether the recording will be shared, which is not recommended, except for live-streaming of a final round.

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- b. Hosts need to communicate any intention to record rounds.
- c. It is recommended that only the clerk of court be permitted to record the rounds (not the teams or other in attendance).
- d. If hosts intend to record rounds, they should be prepared to obtain consents/waivers from all participants, including judges.

*Comment: One reason rounds might be recorded is to provide a record if a challenge occurs (but if doing so, the host would want very specific rule guidance regarding acceptable grounds for a challenge). (See Standard 1.4.) If recording is planned, it is advisable to seek consents well before the competition so that alternative plans can be made if consents cannot be obtained from all participants.*

- 12. Scoring: It is recommended that a host use Google Forms (or another similar app) to create a form for scoring that automatically populates and calculates scores in a spreadsheet. It is easy to use and provides instantaneous results. Scoresheets can provide preset ranges to ensure that the judges enter scores within the required range and can also set up to ensure judges score each category.
- 13. Attendance: Attendance in rounds should be limited to judges, the competitors, the bailiff or clerk of court, and one coach per team. Space is limited in terms of visibility and, even muted, each person may take up a square of space on a monitor on some platforms.
- 14. Consider setting up separate breakout rooms for each team to retire to during deliberations.
  - a. This would allow teams to confer with their coaches, much as they would in the hallway during an in-person competition.
  - b. Teams could be instructed to remain in the breakout room until the chief justice or the clerk of court were to close the breakout rooms and pull them back into the main court room for comments.
  - c. If desired, the judges could also be sent to a breakout room for deliberations.
  - d. If using breakout rooms, action should be taken to protect the privacy and security of each room.
- 15. IT Trouble Room: It is suggested that technology support be available to trouble shoot any problems as they arise.

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### Standard 3: Guidance for Judges

Even experienced moot court judges may be unfamiliar with and unsure of the format and parameters of a virtual competition. The following guidance is designed to help all judges have a successful and enjoyable experience.

Standard 3.1: Training for Judges: Provide training for judges before the competition so they are familiar with the process and the case.

- (A) Consider seeking CLE credit for the training. It may only be possible to get credit in the host state, but attorneys from other states may be able to seek approval in their home states.
- (B) Providing virtual training provides more flexibility and will make it possible to train judges fully before competition.
  - 1. Consider also making training available for brief graders.
  - 2. Judges could attend a live virtual training or watch a recording of the training afterwards.
  - 3. Competition may wish to continue to utilize this training once we return to in-person competitions.
- (C) Judges should be trained on technological issues, including the specific expectations that differ in a virtual competition from an in-person competition.

Standard 3.2: Judges should be provided specific guidance regarding how competitors are allowed/expected to present, and what parameters should govern scoring.

- (A) If competitors are given the option to stand or to sit, judges should be instructed NOT to consider either option when scoring.
- (B) Judges should be instructed not to give weight to technological issues.
- (C) If competitors use headsets, as permitted, judges should be instructed not to consider such use in scoring demeanor or appearance.
- (D) If backgrounds are required, judges should be informed of that requirement and should be educated regarding the issues of fading, etc., that may be observed.

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Standard 3.3: Judges should be instructed not to look up competitors online or attempt to learn school affiliation during the competition. (See Standard 1.2(B)(1).)

Standard 3.4: Judges should be instructed to provide sufficient verbal and physical cues before asking questions.

- (A) Judges should be made aware that, to maintain appropriate eye contact, a competitor will be attempting to look at the camera instead of at the judges on the screen. As a result, a competitor will not likely notice subtle clues that a question is coming and, once interrupted, may need to scan the monitor to find the judge asking the question.
- (B) Judges should be instructed to raise a hand and/or verbally flag that a question is coming (e.g. “Counselor I have a question” or “Counselor”) rather than interrupt and immediately ask the question. Competitors should, likewise, be informed before the competition how this will be done.

Standard 3.5: Judges should be given guidance/instruction on how deliberations will take place and how to provide competitor feedback after the round is over and, preferably, given a time limit for both deliberations and feedback.

### Standard 4: Guidance for Competitors

Competitors should prepare and plan to present their arguments as much as possible as if they were in a courtroom in a real argument.

Standard 4.1: Environment:

- (A) Make sure the background is as presentable as possible (e.g. close closet doors, adjust lighting as needed, remove clutter from background, etc.)
- (B) As much as possible, select a quiet location and avoid background noise and other distractions or disruptions.
- (C) Mute phones, email sound notifications, alarms, etc.
- (D) Make sure there is adequate lighting.
- (E) If virtual backgrounds are permitted or required,

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1. The background should NOT identify you, your location, or your school.
2. The background should be professional (this is not the time to display the Swiss Alps or a favorite cartoon).
3. Be aware that virtual backgrounds have limitations, such as things fading into the background, or some computers/tablets not technologically capable of supporting the background.
4. Competitions may create and require use of certain backgrounds. Be proactive in testing the background so that you can make technological adjustments if the background is not supported or so that you can report any issues to the competition hosts.
5. If required, the requirement should be stated clearly in the rules, and the judges should be informed that backgrounds are being used, and should be educated regarding the issues of fading, etc., that may be observed.

### Standard 4.2: PREPARE for a virtual competition.

- (A) PRACTICE using the technology, including making sure face and voice are both clear.
- (B) LOOK into the camera (not at the screen). Some recommended using a prompt like a post-it note reminding the competitor where to look.
- (C) BE ALERT for questions. This will require you to be listening for verbal cues, but also to quickly scan the monitor from time to time.
- (D) The competition will decide whether you and your teammates may be in one physical location, whether if so you may share a computer, or whether everyone must be on their own personal computer. Adjust accordingly.
- (E) Competitions will also likely decide whether competitors should sit or stand for argument, or whether they have the option. If you do stand, decide whether to stand for the entire round or whether you can seamlessly move from a seated position to a standing position.
- (F) It is recommended that, if permitted, competitors use headsets to minimize distractions. They should be informed that judges will be told such use is permitted and is not to be considered in scoring.

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- (G) Understand that competition hosts are not always aware of the difficulties or hardships occurring in different parts of the country. As hosts attempt to account for obstacles, please contact the host if an accommodation or variance is needed regarding a particular rule. Also, be mindful that it may be impossible to account for all disparities.

## II. Guidance for Hosting an In-Person Competition

In offering advice to competition organizers about hosting an in-person competition in 2020–2021, we are guided by two principles:

- First: we urge you to maintain normalcy. Just as our guidance for virtual competitions is that organizers maintain tried-and-true features of in-person competitions, we hope that organizers of in-person events will do so also.
- Second: we are not public health experts. We are not equipped to give detailed advice about requirements and best practices for disease prevention. Rely on local officials and administrators at your school or courtroom for that guidance.

Accordingly, in this section, we do not offer a set of standards for hosting an in-person competition. Rather, we offer items for you to consider when hosting an in-person competition in 2020–2021. Items for consideration are organized into five general topics as set out below.

### Topic 1: Threshold Considerations

- A. Consider whether you really want to hold an in-person competition before the pandemic risk has clearly passed.
  1. As this document indicates—and as many schools and organizations navigating operations for in-person events are discovering—running a traditional moot court competition will be administratively challenging, unusually costly, and perhaps impossible for much of the 2020–21 academic year. So: do you really want to do this?
  2. If you do: most moot court advisors in our group currently report that they expect their schools to send at least some teams to in-person competitions in 2020–2021, particularly in the spring. But many programs report they will not send students to in-person competitions for part or all of the academic year. That number is likely to grow. Many schools are sharply restricting student and faculty travel; others are reducing budgets for competition programs.
  3. If you're resisting switching to a virtual format out of concern that schools won't participate: fear not. Moot court advisors generally have embraced virtual competitions as the new (temporary) normal.
  4. If you're resisting going virtual because you're not sure how, consult our guidelines about good practices for remote competitions.
  5. For student-run competitions, we encourage hosts to confer with their school's administrators about compliance with standards and regulations.



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### B. Consider a backup plan

1. We would strongly suggest that hosts prepare to convert to a virtual competition if circumstances change. As we indicate above: schools are ready and willing to participate in virtual competitions in 2020–2021. Shifting to a virtual format is far better than canceling a tournament to which teams have committed.
2. If the backup plan is to move to virtual oral arguments, we suggest that you decide early and that you consult our group’s guidelines for hosting virtual competitions.
3. If the “backup plan” is simply to cancel the oral-argument phase of the competition, we strongly urge hosts to (1) make the decision to cancel as early as possible, (2) refund entry fees, and (3) award brief prizes.

### C. Consider whether to host a hybrid competition

1. Members of our group mostly are skeptical about the viability and fairness of a competition where some teams are on site and others participate virtually. Also, because a hybrid competition will require planning for and attention to both virtual and in-person platforms, it will be more complicated to administer and will have greater potential for problems to arise.
2. Unless a competition consists of multiple phases, some of which would be held completely online and others completely in-person, we would discourage hybrid competitions.
3. If a host allows for some hybrid participation, virtual teams should be paired against other virtual teams if possible.
4. If some teams or judges participate virtually, we strongly suggest having them appear on screen and not just by telephone.

## Topic 2: Registration

### A. Consider communicating clearly with prospective teams about changes to your competition’s format and rules.

1. Providing prospective participants with information about how your tournament will proceed will help them make sound decisions and assure them that participating in your event will be an excellent experience. Let teams know as early and precisely as possible about changes you expect to implement.
2. One area of particular concern: we urge you to communicate clearly with teams about additional conditions that will be placed on their participation this year. If, for example, your facility or jurisdiction requires that individuals wear face

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coverings, we urge you to make this clear for teams that might be traveling from areas that do not impose such requirements. We strongly suggest that you consult with counsel or your administration about matters such as requiring participants to sign a liability waiver. If you must impose such a condition, please communicate clearly about it to teams that might attend, and know that schools might regard this an important factor weighing against their participation.

- B. Consider liberalizing rules regarding withdrawal and payment deadlines.
  - 1. Competing schools in 2020–21 will need extra flexibility as circumstances and policies change. We therefore urge competition organizers to consider decoupling registration and payment submission deadlines.
  - 2. We also urge competition organizers who currently allow payment only by check to consider allowing payment by credit card or through apps like Venmo or PayPal. As many faculty members and school administrators work remotely this summer, securing checks has become more cumbersome.
  
- C. Consider liberalizing rules regarding team composition and substitution.
  - 1. If rules normally limit teams to two members, consider allowing “flex-sized” teams of up to three members.
  - 2. Allow substitution for team members who become ill or quarantined. We suggest that you consider the approach already used by many competitions: allow teams to designate alternates and request substitutions as needed. We urge organizers to be flexible.
  - 3. If your competition ordinarily requires a coach to travel with the team, consider relaxing that standard for 2020–2021.
  
- D. Consider adjusting the size of the competition field or adjusting the competition schedule to account for space limitations.
  - 1. Many of us have been stunned at the space required for even small gatherings under social-distancing guidelines. We suggest that you examine your competition’s field size and adjust as needed to fit into available spaces.
  - 2. One way of accounting for space limitations and extra administrative burdens caused by social-distancing and cleaning standards is to expand a competition’s schedule. But, as we state in the guidance on virtual competitions, we suggest that organizers do not expand a competition by more than a day.

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3. You might find it useful to collect information from teams in advance about size of their entourages. And it might be necessary to impose a limit on the number of spectators permitted in courtrooms.

### Topic 3: Meetings and hospitality

#### A. Meetings and congregation areas

1. Consider keeping large meetings of competitors and judges to a minimum.
2. Even if competition rounds are small enough to fit within your jurisdiction's or institution's size limits on gathering, many traditional meetings at in-person competitions likely will not. We therefore suggest that you consider things like:
  - (a) Distributing brief scores by email before the competition rather than passing them out at a team orientation.
  - (b) Holding orientation sessions for teams and judges virtually or using prerecorded video.
  - (c) Announcing round results and pairings virtually or via email.
  - (d) Holding virtual awards ceremonies.
  - (e) Using outdoor spaces if available.

#### B. Controlling the flow of traffic

1. Consider spreading out competition rounds—temporally and/or physically—to limit congestion  
For example: consider adding time between rounds for courtrooms that will be reused. This might be necessary to facilitate cleaning. But, in any event, a window of time between rounds will prevent teams who have argued from squeezing out of a courtroom or classroom while the next advocates enter.
2. Consider spreading out items that judges and competitors congregate around
  - (a) If using easels or video boards to present schedules, pairings, and results, use more than one and separate them so teams don't crowd around them.
  - (b) This is another area where using electronic means of communicating would help.
3. Consider controlling flow in high-traffic areas  
For team hangout areas and scoring/administration rooms that feature a lot of coming and going, control flow of traffic with designated entries and exits.

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### C. Food and beverages

1. Consider individual water bottles for advocates and judges rather than common pitchers with cups.
2. Consider box lunches for judges rather than buffets.
3. Consider packaged snacks and meals for competitors rather than plates of cookies.

## Topic 4: Setting up Courtrooms

- A. Consider accounting for social distancing requirements between all participants. The lectern should, of course, be an appropriate distance from the panel of judges. But consider too the distance between judges sitting at a bench, between counsel sitting at a table, and between bailiffs and other participants.
- B. Consider that social-distancing requirements will affect advocates' ability to communicate with each other at counsel's table: they might not be able to whisper to or discretely share notes with each other. We urge you to continue to permit counsel at the table to communicate with each other. We recommend that you advise them about how to do so as unobtrusively as possible, and alert judges that teams should not be penalized for unavoidable distractions that their communications might create.
- C. Consider the lectern. A single lectern might be especially problematic. If spaces and resources allow, consider having a separate lectern for each team. Another possibility is to have no lecterns at all: advocates could simply present their arguments from counsel's table. Our group was divided about the desirability of the no-lectern approach; some of us prefer it, while others regard it as, at best, a last resort. This underscores a basic theme: whatever adjustments you make to your practices in 2020–2021, we urge you to communicate them clearly and early to participants. If a no-lectern approach is adopted, ensure that the acoustics will be adequate and comparable for each advocate.
- D. Consider, as a general matter, that the areas of the courtroom we discuss in this topic will be high-touch areas. Be sure to comply with your institution's standards and sound public health practices for keeping them as sanitary as possible.

## Topic 5: Administration and Scoring

- A. Consider minimizing passing paper from hand to hand.  
One way to do this is through electronic scoring. Our standards for virtual competitions provide suggestions for how to accomplish this (see Standard 2.2(C)(12).)

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### B. Consider issues created by masks.

1. Masks are likely to be a sensitive matter at many competitions this academic year. They probably will be required in many regions and facilities, and, even if not, many participants will want to wear them and want those with whom they interact to wear them. But there is no question: face coverings inhibit the oral exchanges that are the stuff of moot court.
2. If masks are not required in your jurisdiction or facility at the time of the competition, we nevertheless urge you to consider requiring them at the competition if many people around the country are still using them. If masks are optional, participants who wish to protect their health may feel significant pressure not to wear them for fear of being at a disadvantage relative to unmasked teams.
3. If participants wear masks, instruct judges and advocates to be mindful. Competitors and judges should speak loudly and clearly. Judges should try to communicate intent to ask questions in ways that will be visible (by, for example, leaning forward).
4. If masks are optional, please vigorously instruct judges not to penalize competitors who chose to wear them or not.
5. Conversely, if masks are required but an advocate does not wear one while arguing, consider imposing a severe penalty for attempting to secure an unfair advantage.

Appendix of Signees to the Guidance for Moot Court Competitions  
2020–2021

Rob Galloway  
Director of Advocacy  
South Texas College of Law Houston

Michael Hernandez  
Professor  
Regent University School of Law

Jennifer Franklin  
Professor of Practice  
William & Mary Law School

Brooke J. Bowman  
Professor of Law; Director of Finances Advocacy Boards; and Director, Moot Court Board  
Stetson University College of Law

Kent Streseman  
Associate Clinical Professor of Law  
Santa Clara University School of Law

Heather Baxter  
Professor of Law  
Nova Southeastern University, Shepard Broad College of Law

Kirsten Dauphinais  
Law School Builders of the Profession & Advisor to Moot Court  
University of North Dakota School of Law

Jon Warner  
Lecturer  
Indiana University-McKinney School of Law

Connie Smothermon  
Assistant Professor and Director of Competitions and Externships  
University of Oklahoma College of Law

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Jeffrey Brooks  
Preis PLC Director of Advocacy and Professional Practice  
Louisiana State University Paul M. Hebert Law Center

Ila J. Klion  
Board of Appellate Advocates Faculty Advisor  
Florida International University College of Law

Ellen Suni  
Dean and Professor Emerita  
University of Missouri - Kansas City (UMKC) School of Law

Michael Gentithed  
Assistant Professor  
University of Akron School of Law

Amy Cyphert  
Moot Court Advisor  
West Virginia University

Sharon A. Pocock  
Associate Professor of Legal Process  
Touro Law Center

Catherine Carpenter  
Professor of Law  
Southwestern Law School

Martha Pagliari  
Faculty Advisor Moot Court Society; Director, Legal Analysis Research & Communication  
DePaul University, College of Law

Randall Ryder  
Director of Appellate Advocacy  
University of Minnesota Law School

Suparna Malempati  
Associate Professor of Law  
Atlanta's John Marshall Law School

## Guidance for Conducting Moot Court Competitions (2020-2021)

Joanne Simboli Hodge  
Clinical Professor of Lawyering skills/Director Moot Court program  
UIC John Marshall Law School

Robert Volk  
Associate Professor, Director, Legal Writing and Appellate Advocacy Program  
Boston University School of Law

Bradley Clary  
Emeritus Clinical Professor of Law  
University of Minnesota (retired)

Pamela Keller  
Clinical Professor  
University of Kansas School of Law

Bill Henslee  
Professor of Law  
Florida A&M University College of Law

Bobbie Thyfault  
Legal Writing Professor  
California Western School of Law

Scott England  
Principal Lecturer  
University of New Mexico School of Law

Jennifer Copland  
Director, Competitions Program; Clinical Associate Professor of Law  
Michigan State University College of Law

Nancy Schultz  
Kennedy Professor of Dispute Resolution  
Fowler School of Law, Chapman University

David Austin  
Legal Skills Professor  
California Western School of Law



## Guidance for Conducting Moot Court Competitions (2020-2021)

Alan Woodlief  
Sr. Associate Dean; Assoc. Professor; Director of Moot Court Program  
Elon University School of Law

Veronica J. Finkelstein  
Adjunct Professor of Law  
Drexel University Kline School of Law

Jennifer Romig  
Professor of Practice  
Emory University School of Law

Amy Neville  
Wayne State University Law School

Cherish Keller  
Director of Appellate Advocacy & Professor of Legal Writing  
Chicago-Kent College of Law

Laurie K. Dore  
Professor of Law/ Faculty Moot Court Advisor  
Drake University Law School

Jen Taylor McCloskey  
Associate Director, Legal Writing and Appellate Advocacy Program  
Boston University School of Law

Julie A Baker  
Professor  
University of Massachusetts School of Law

Jonni Walls  
Clinical Professor of Legal Research Writing & Advocacy  
SMU Dedman School of Law

Alvaro Bellido de Luna  
Hardy Director of Advocacy and Service Professor of Law  
St. Mary's University School of Law

## Guidance for Conducting Moot Court Competitions (2020-2021)

Karen McDonald Henning  
Associate Professor of Law  
University of Detroit Mercy School of Law

Vicki Lowery  
Director of Advocacy  
Mississippi College School of Law

Patricia A. Wilson  
Professor of Law  
Baylor Law School

Lisa A. Mazzie  
Professor of Legal Writing  
Marquette University Law School

Robert T. Sherwin  
Champions In Advocacy Professor of Law  
Texas Tech University School of Law

Jodi Anne Hudson  
Director, Interscholastic Moot Court Board  
Seton Hall School of Law

David Johnson  
Assistant Dean for Pro Bono & Advocacy Programs  
The George Washington University Law School

Kellie Casey  
Director of Advocacy  
The University of Georgia School of Law

Julia Peebles  
Moot Court Director  
University of Houston Law Center

Jennifer Goldson  
Senior Attorney and Clinical Supervisor  
Family and Youth Law Center, Capital University Law School

## Guidance for Conducting Moot Court Competitions (2020-2021)

Andrew Leiendecker  
Adjunct Professor - National Moot Court  
University of Minnesota Law School

Sabrina Little  
Legal Skills Professor  
University of Florida

Jayne Woods  
Adjunct Professor of Law  
University of Missouri-Columbia

Toni Young  
Senior Assistant Dean  
UC Hastings College of Law

Greg Eddington  
Director of Legal Research and Writing  
Oklahoma City University School of Law

Lisa Bradley  
Assoc Professor  
Gonzaga

Amanda Hurst  
Assistant Professor  
University of Arkansas School of Law

Christopher D. Soper  
Director of Legal Writing  
University of Minnesota Law School

Kathryn Mercer  
Professor  
Case Western Reserve University School of Law

Steve Leben  
Visiting Professor  
UMKC Law

## Guidance for Conducting Moot Court Competitions (2020-2021)

Liz Boals  
Professor and Director, Center for Excellence in Advocacy  
Stetson University School of Law

Mary Rose Sullivan  
Program Coordinator, Moot Court  
Moritz College of Law

Kathy Serr  
Advocacy Program Coordinator  
Baylor Law School

Susie Salmon  
Director of Legal Writing & Clinical Professor of Law  
University of Arizona, James E. Rogers College of Law

Ed Telfeyan  
Director, Moot Court Program  
McGeorge School of Law

Jim Lawrence  
Executive Director, Blakely Advocacy Institute  
University of Houston Law Center

Lisa Bradley  
Assoc Professor  
Gonzaga

Steve Leben  
Visiting Professor  
UMKC Law

Sana Akhter  
Lecturer  
Kinnaird College for Women

Randall Ryder  
Director of Appellate Advocacy  
U of MN Law

## Guidance for Conducting Moot Court Competitions (2020-2021)

Jarrod Reich  
Professor of Legal Writing and Lecturer in Law  
University of Miami School of Law

Oghenemaro Festus Emiri  
Professor  
Edwin Clark University

Monalisa Vu  
Co Director of Moot Court Program and Professor of Legal Writing  
University of San Francisco

Elizabeth Inglehart  
Clinical Associate Professor of Law  
Northwestern Pritzker School of Law

Pamela Keller  
Clinical Professor of Law  
University of Kansas School of Law

Elizabeth A. McCord  
Assistant Professor of Practice  
University of Cincinnati College of Law

Christine Venter  
Director, Legal Writing  
Notre Dame Law School

Evelyn H. Hutchison  
Professor of Legal Writing; Director, Legal Writing Program; Faculty Advisor, Board of Advocates  
The University of Tulsa College of Law

Ann Baker  
Faculty Advisor, Moot Court Association; Adjunct Professor of Law  
New York Law School