

The Upper Class Competition

Rules 2009

1. Working with Your UCC Partner to Prepare for Your Oral Argument (LRWA Rule on Limited Collaboration Governing the Fall 2009 Upper Class Competition).

UCC Rule 1 ONLY applies to teams with at least one member enrolled in Appellate Writing (LRWA III). If neither team member is enrolled in Appellate Writing, they may begin working together and share work however they wish.

UCC partners may ONLY begin working together AFTER the team has secured a spot in the competition by signing the UCC Sign-Up Sheet on or after 5:00 p.m., Friday, October 9th. The names of both team members must appear in one of the forty designated spaces on the UCC Sign-Up Sheet.

The LRWA Program provides the appellate problem, competitors' materials, and the bench brief for the Upper Class Competition ("UCC") organized by George Mason University School of Law's Moot Court Board ("MCB") in November of each year. In accordance with LRWA Rule 2.6, the Assistant Director of LRWA has expanded the parameters of LRWA Rule 2.1 as follows:

UCC partners, once their team has been confirmed for participation in the UCC, will be considered members of the same LRWA section for purposes of UCC preparation. UCC team partners are permitted to engage in limited collaboration with each other pursuant to the parameters of LRWA Rule 2.

Rule 2 is set forth, in its entirety, below.

Permitted Activity

UCC teams are permitted discuss the effect of legal precedent, relevant legal authority, the Appellant's Target Brief, and the facts of the case on appeal. UCC teams are permitted to discuss and test the strengths/weaknesses of each other's oral arguments. UCC teams may receive mooted assistance from the Mooting Judges designated by the MCB; however, the Mooting Judges shall not give any substantive feedback on the competitors' arguments during these mooted sessions.

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Prohibited Activity

UCC teams are not permitted to share or disclose any written work, including, but not limited to, research trails, outlines of arguments, case briefs, annotated caselaw print-outs, drafts of briefs, or final briefs (except the Appellant's Target Brief). UCC teams are not permitted to seek outside mooted assistance or other assistance related to UCC preparation, from anyone who has any legal training, or is attending or has ever attended law school (except those students designated by the MCB as Mooting Judges). See LRWA Rules 2.2, 2.3 and 2.5.

Consequences for Violating This Rule

Any violation of this rule may result in immediate disqualification from the UCC, referral to the Honor Committee, or both, as the Director or Assistant Director of LRWA and the Chief Justice of the MCB deem appropriate.

Rule 2. Collaboration

2.1 Permitted Collaboration Between Students. Students in this course are permitted limited collaboration with other Students. Collaboration is optional. A Student may discuss research techniques, facts of the case, the Record, and how the law (whether case law or statutory law) applies to the facts of the case only with other Students in his or her section.

2.2 Impermissible Collaboration Between Students - Research. Students shall not divide research for the briefs; each Student must research all issues. Students shall not share Lexis or Westlaw passwords, or perform research using any other person's Lexis or Westlaw password.

2.3 Impermissible Collaboration Between Students – Written Product. Students shall not share written work product; each Student is solely responsible for completing each written project throughout the semester. A Student shall not review another Student's written work for substantive content. A Student shall not edit or proofread another Student's work in this course.

2.4 Permitted Collaboration with Non-Students. A Student may seek assistance with course assignments from the following persons:

- (a) His or Her Adjunct Instructor. For example, a Student may consult with his or her Adjunct Instructor regarding the soundness of an argument or theory, writing-style preferences and requirements, and general research and writing advice. Students should be aware, however, that an Adjunct Instructor may elect, for pedagogical reasons, not to answer certain questions.
- (b) The Director and Assistant Director of LRWA. For example, a Student may consult with the Director or Assistant Director of LRWA regarding the parameters of the assignment and general research and writing advice. Students should be aware, however, that the Director or Assistant Director may redirect certain questions to the

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Student's Adjunct Instructor and may elect, for pedagogical reasons, not to answer certain questions.

- (c) GMU Librarians and Library Staff. For example, a Student may consult with a librarian or a member of the library staff regarding general advice on the process for identifying, locating, and using books, law review articles, and other research materials.
- (d) GMU's Lexis or Westlaw Representatives. For example, a Student may receive individual assistance on the structure of the Lexis or Westlaw databases, or on general methods for formulating computerized research queries, from a Lexis or Westlaw representative. However, when a Student consults a Lexis or Westlaw representative on methods for formulating computerized research queries, the Student must select and provide the terms the Student wishes to utilize in the search.
- (e) Persons Without Legal Training. A Student may confer with and receive outside assistance on Course assignments from non-lawyers and persons without legal training. For example, a Student may consult a friend, co-worker, spouse, or partner for proofreading assistance, input on the soundness of an argument or theory, writing-style assistance, general advice and support, so long as the person consulted is a non-lawyer and without any level of legal training or experience. For the purposes of the Rules, a person with legal training and experience includes, without limitation, attorneys, paralegals, and anyone who is now attending any school of law or who has at any time attended any school of law.

2.5 Impermissible Collaboration with Non-Students. Except as set forth in Rules 2.1 and 2.4, no collaboration between a Student and any individual is permitted. For example, Students shall not ask attorney or paralegal co-workers, friends from other law schools, or GMU students who are not simultaneously enrolled in LRWA III or LRWA IV for assistance with any aspect of the course.

2.6 Expansion of Permissible Collaboration. Either the Director or Assistant Director may expand the parameters of Rules 2.1 and 2.4 by posting a written notice detailing the terms of the expansion on TWEN.

2.7 Results of Violation. Violation of these rules may result in one or more of the following:

- (a) A grade of "0" or "F" for the project(s) involved.
- (b) An "F" for the final grade in the course.
- (c) Referral to the Honor Committee.

2. Attire.

Participants must wear appropriate courtroom attire. We recommend competitors dress

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conservatively. For gentlemen, conservative dress includes dark business suits, white shirts and a traditional tie. A clean-shaven face or well-trimmed facial hair is suggested. For ladies, conservative dress includes a dark business suit and closed-toe shoes. If you choose to wear a skirt, make sure it is of appropriate length and wear pantyhose. It is also suggested that you not wear heavy make-up or large/distracting jewelry.

3. Watching Competitions.

Competitors may not watch or listen to others compete during the preliminary rounds. Spouses, relatives, and friends are welcome to watch the Octofinal and Quarterfinal rounds of the competition, provided: 1) both teams agree, and 2) the spouse, relative, or friend is not currently enrolled in Appellate Writing at GMUSL. The Semifinal and Final Rounds are open to the public. The Moot Court Board may grant waivers from this rule only under extraordinary circumstances and when presented with a compelling explanation.

4. Communications with Judges.

Ex parte communications with the judges are not allowed. If a competitor knows a judge, it is the judge's professional responsibility to recuse him or herself. The competitor need not take any action.

5. Items Judges May Penalize.

Judges may, at their discretion, penalize competitors who fail to comply with these provisions or who disregard the courtroom code of conduct outlined in this packet. Judges may deduct points for violations including, but not limited to, the following: ex parte communications with the judges; tardiness; obvious inattention to deference; failure to comply with the minimum speaking requirements; interrupting the court; answering out of turn a question posed to another competitor; or disrespect for fellow competitors.

6. Honor Code Violations.

If members of the law school community are aware of or suspect a possible violation of the competition code of conduct, they should bring the matter to the immediate attention of Krissy Ellison. If such suspected violations occur on a competition day, the accuser must submit a short statement to Krissy Ellison or Erin Watkins within 5 minutes of the alleged violation. Timing is essential in order to permit the Moot Court Board to evaluate the situation. As necessary, the Moot Court Board will make an immediate investigation of the event. Frivolous, malicious, or obviously harassing protests could result in penalties against the protesters.