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The Case Club Competition 1939-40

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RULES OF PROCEDURE FOR ALL CASE CLUBS

date
1939/40

IN GENERAL

I. Purpose of Clubs

1. The Case Clubs are designed to acquaint students with preparation of cases and arguing them before a court. Hypothetical cases based on actual cases are selected and principal emphasis is placed on the development and presentation of the arguments and reasoning in support of the legal propositions advanced. All questions are treated as questions of first impression in a hypothetical jurisdiction not bound by prior precedent.

II. Elimination System

1. Club members work in teams of two, and argue against another team of two. After every team in both freshman and junior clubs has argued one case, twenty freshmen and eight juniors will be selected as explained below. The freshmen will be divided into teams of two and argue another case, the five winning teams receiving the final awards. The eight juniors are divided likewise and argue another case. From these eight four are selected to compete in the finals for the Henry M. Campbell Award. Junior semi-finalists also receive awards.

III. Manner of Judging.

1. For purposes of the case the team as a unit wins or loses. Individual members are chosen on the basis of ability to compete in the semi-finals or finals. Teams as a unit win or lose in the finals.

2. Judgment of the court is awarded in three parts. One judgment is given on the law as the court finds it. A separate judgment is given on the merits of the presentation of the case which involves a judgment on the brief and one on the oral argument. Only the judgment on the merits is considered in selecting winners to compete in further arguments.

3. In judging the merits of the brief neatness, completeness, form, style, originality, presentation of arguments all are considered. In judging the merits of the oral arguments poise, manner of presentation, ability in answering questions, style and delivery all are considered. Contestants are graded individually on oral presentation and as a team on the brief.

IV. Effect on Practice Court

1. The Case Club Committee recommends to the faculty all members who have satisfactorily completed two years of Case Club work, and they are entitled to elect the short term of the practice court. To complete two years of satisfactory work each member must prepare and argue at least one case each year.

ISSUANCE OF CASES

- I. Dockets will be posted shortly after registration is completed. No exceptions will be made to the times specified on the dockets except in the discretion of the Committee.
- II. Freshman facts will be issued on the day specified in the docket at four o'clock in the Case Club office in the library. Junior advisers will conduct freshmen through the library explaining its use following the issuance of facts.
- III. Junior facts will be issued at one o'clock at the library desk on the day specified in the docket.
- IV. Preparation of the case commences at once.

THE BRIEF

- I. Time Allowed for Preparation
 1. Briefs must be filed at the library desk by one o'clock of the day assigned in the docket. Freshmen are allowed fourteen days to prepare briefs. Junior appellants are allowed fourteen days to prepare briefs. Junior appellees must file briefs four days later.
 2. Junior appellants may file reply briefs if desired. These must be filed by one o'clock two days after briefs of appellees are filed. Filing reply briefs is optional but proper credit will be given where they are filed, and failure to file one where appellees' brief requires it will be counted against appellants.
- II. Length of Briefs
 1. Freshman briefs ordinarily should not be longer than ten pages.
 2. Junior briefs ordinarily should not be longer than fifteen pages.
 3. Reply briefs may not be more than three pages long. Briefs longer than three pages will not be accepted.
 4. All numbers of pages given above are exclusive of the pages necessary for statement of facts, lists of citations, analysis of arguments, etc.
- III. Contents of Brief
 1. Every brief except reply briefs should contain a statement of the facts, the issues involved, the propositions of law argued, the title of the case and names of counsel, and the argument itself.
- IV. Citations
 1. Freshmen are allowed twelve citations in first round cases which must include one citation to the best general law review discussion of the problem and one citation to the best general text discussion of the problem, labelled as such.
 2. Juniors are allowed seventeen citations in first

round cases which must include one citation to the best general law review discussion of the problem and one citation to the best general text discussion of the problem, labelled as such.

3. Citations should be as complete as possible and in the form approved in Professor Coffey's book.

4. No new citations may be used in reply briefs.

V. Miscellaneous

1. All briefs must be typewritten and fastened in standard form. Appellants use yellow covers. Appellees use blue covers. Sample briefs are available at the library desk.

2. Each team must furnish three briefs for the court and at least one (preferably two) for opposing counsel.

3. Opposing parties should be referred to in the brief as "appellees" or "appellants" as the case may be, not as counsel for defendant or appellant, etc.

THE ARGUMENT

I. Time of Arguments

1. Arguments will be at four o'clock on the day assigned in the docket unless otherwise stated. Rooms in which the arguments will be held will be posted on the bulletin board.

II. Court Room Formalities

1. Court room formalities must be observed at all times. References to court and counsel in the court room must be impersonal.

2. Audience and contestants must stand when the judges enter and leave the court room.

3. Appellants sit on the judges' right. Appellees sit on the judges' left.

4. Counsel must place a list on the bench before argument giving the names of counsel and the order in which they will argue.

5. Counsel should address the court as "your honor". Opening statements should be prefaced with "if the court please" or "may it please the court".

6. Co-counsel and opposing counsel should be referred to as "co-counsel", "counsel", "counsel for appellees", or as "Mr. Jones", etc.

III. Details of Argument

1. Appellants open the argument and must preface it with a statement of the case. They are allowed a rebuttal if desired but which is included in the total time allowed. Both counsel for appellants argue before counsel for appellees present their case.

IV. Time Allowed for Argument

1. Freshmen are allowed twenty minutes for each side in preliminary case, twenty-four minutes a side in final cases.
2. Juniors are allowed twenty-four minutes for each side in preliminary cases, thirty minutes a side in semi-final and final cases.
3. The time may be divided between counsel as desired and time consumed in stating the case and answering questions is not deducted from the total allowed.
4. Time limits must be observed and each team should provide a timekeeper.

V. Content of Argument

1. In general the argument should follow the subject matter of the brief. Radical departures are not allowed. The argument should not, however, be a rehashing of the brief and effort should be made to present the arguments in new lights, concentrating on the important points.
2. Reading from the brief is discouraged at all times, and should be done only when necessary.
3. Counsel must expect questions from the court and be prepared to answer them. If the answer involves part of co-counsel's argument, the question may be answered briefly together with a statement that "Mr. Jones will consider that point in detail". (Caveat: Mr. Jones should be careful to cover that point in detail.)

MISCELLANEOUS

- I. Where a rule stated herein differs from the rule as stated in Professor Coffey's booklet, the former is controlling.
- II. To assist in the issuance of cases, instruct new members in the use of the library, and act as liason officers to the Case Club Judges, junior advisers are appointed to each Case Club. They are to be consulted on all points of procedure and questions concerning the facts.
- III. Junior advisers and Case Club Judges will not answer any questions on the legal problems involved in cases. Case Club members should avoid consulting professors and are not permitted to do so unless seasonable notice is given opponents.
- IV. Members may assume that the judges have read the briefs and should avoid references to inaccuracies of citation, etc. in opponents' brief. They should avoid quibbling and concentrate on the legal theory and reasoning involved in the case assigned to them.
- V. Case Club Judges will post office hours when contestants may receive criticisms.
- VI. Members should consult the Case Club bulletin board. Notice posted on the board is deemed notice to the members.
- VII. All trials are open to the public and members are urged to invite friends to attend the arguments.