



3RD ANNUAL

**FRANK A. SCHRECK
GAMING LAW MOOT COURT
COMPETITION**

2018

COMPETITION RULES

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I. ORGANIZATION OF THE COMPETITION

The Frank A. Schreck Gaming Law Moot Court Competition is co-sponsored by the William S. Boyd School of Law's Society of Advocates Moot Court Team and the *UNLV Gaming Law Journal*. The Competition is named after Frank A. Schreck, chair of the Gaming Law Group at Brownstein Hyatt Farber Schreck, LLP. For more than 40 years, Mr. Schreck has played an important role in shaping the realm of gaming law. We are proud to honor Mr. Schreck by naming the Gaming Law Moot Court Competition after him.

II. TEAMS

A. Competitors

A law school may send a maximum of two teams to the Competition. If two teams from any law school are registered to compete, those teams shall not work together to research, write, or edit their briefs. However, teams from the same law school may practice oral arguments together.

B. Team Composition

1. Each team shall be composed of either two or three competitors. Each team member must be enrolled either full or part-time in the JD program at the law school they are representing during the time of registration and the Competition.
2. No team competitor may be replaced after the problem has been released without the express written consent of the Competition Chair.

C. Coaches and Advisors

1. Coaches and advisors may be students, faculty members, practitioners, or outside legal advisors.
2. Coaches and advisors are only permitted to assist with oral argument preparation. Coaches and advisors may not aid in researching, writing, or editing a team's brief. Any violation of this rule may result in disqualification.
3. All coaches and advisors are subject to the same rules as team competitors, except as explicitly stated in these rules.

D. Outside Assistance

Competitors shall not receive assistance of any kind from coaches, advisors, school writing centers, practitioners, faculty members, or any other person during the research, writing, and editing process. The consultation of a librarian is only permissible to the extent that the librarian assists in procuring a resource explicitly requested by a competitor.

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III. BRIEFS

- A. Each team will be randomly assigned to the side in which they will write for their brief (i.e., Petitioner or Respondent). Each team will also be assigned a team number. Team numbers and sides will be sent to each team individually via email on the date the fact pattern is released.
- B. The United States Supreme Court Rules shall govern the format and pagination of the briefs, unless these competition rules explicitly state otherwise.
- C. If a case, event, or otherwise is set in the State of Nirvana, the State of Nirvana shall be considered a 51st state of the United States. If a case is heard by the United States District Court for the Southern District of Nirvana, the District shall be considered a duly authorized federal, regional, district court of the United States that comprises the State of Nirvana. If a case is heard by the Court of Appeals for the Thirteenth Circuit, the Thirteenth Circuit shall be considered a federal, regional appellate circuit for the United States that embraces the State of Nirvana.
- D. In addition to any Nirvana statutes set out in the record, and except as otherwise provided herein, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Appellate Procedure, and the Rules of the Supreme Court of the United States shall apply as applicable.
- E. Briefs must contain the following sections:
 - 1. A Cover Page;
 - 2. Questions Presented;
 - 3. Table of Contents;
 - 4. Table of Cited Authorities;
 - 5. Opinions Below;
 - 6. Statement of the Case. The Statement of the Case section shall include Statement of Facts and Procedural History;
 - 7. Summary of the Argument, setting forth a clear and concise condensation of the argument made in the body of the brief; mere repetition of the headings under which the argument is arranged is not sufficient;
 - 8. Argument, exhibiting clearly the points of fact and of law presented and citing the authorities and statutes relied on;
 - 9. Conclusion, specifying with particularity the relief the party seeks;

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10. Appendices, if any;
11. Statement of Jurisdiction. The Statement of Jurisdiction section of the brief shall state, “The formal statement of jurisdiction is waived pursuant to Competition Rule III(E)(11).”
12. Each team must also submit the following certification statement on a separate page:

[Competitor Name], [Competitor Name], and [Competitor Name] (*leave blank if only two competitors*) of [Law School Name] hereby certify that the enclosed briefs are entirely our own work. We at no time sought or utilized the help of any other person in in the process of writing, researching, or editing of our briefs. To the best of our knowledge, we are in compliance with the Rules of the Competition.

This certification statement must be signed by each team member and included in the same envelope or shipping container in which the briefs are physically mailed to the Competition Chair. This certification statement must also be included as a separate attachment (PDF) in the same e-mail in which the electronic copy of the brief is electronically mailed. The certification statement may be electronically signed by inserting /s/ in each signature block, or physically signed and scanned into a PDF.

F. Brief Format

1. The cover page of the Petitioner’s Brief must be printed on blue paper, and the cover page of the Respondent’s brief must be printed on red paper.
2. Briefs shall be a maximum of 30 pages in length, exclusive of the cover sheet, questions presented, table of contents, table of authorities, opinions below, statement of jurisdiction, statutory provisions, and appendices.
3. Briefs shall be typed on white pages measuring 8.5 by 11 inches. Margins on all sides shall be 1 inch, with double spacing between each line of text. Footnotes, headings, and subheadings may be single-spaced, however, they must be included within the margin limits.
4. Briefs shall be in Times New Roman. The body text must be 12-point font and footnotes must be 10-point font.
5. Pages shall be numbered. The “Questions Presented” section shall be placed after the cover sheet and shall be numbered “i” and the following pages shall be numbered accordingly. The “Statement of Facts” shall be on page number 1.
6. Each page shall be printed single-sided.
7. All citations shall comply with the form prescribed in the most recent edition of

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The Bluebook: A Uniform System of Citation.

- G. The record will be frozen in time as of December 15, 2017. Any citation in the brief or in oral argument to any material that may be deemed to carry the force of law (case law, statutory provisions, regulator provisions, agency rules, etc) dated after December 15, 2017 will incur a penalty, to be determined by the Competition Chair. The Competition Chair shall determine whether or not any material dated after December 15, 2017, carries the force of law.
- G. Briefs must not contain any identifying information, including law school name or team member names. Only the team's assigned number should appear on the lower right-hand corner of every page of the brief. Any violation of anonymity in submitting briefs may result in disqualification.

IV. SERVICE OF BRIEFS AND CERTIFICATION

- A. A copy of the final brief must be emailed to SchreckMCC@law.unlv.edu in PDF format on or before **11:59 p.m. Pacific Standard Time on Sunday, February, 11, 2018**. PDF versions of all briefs will be made available on the Schreck Competition website by 11:59 p.m. Pacific Standard Time on February 12, 2017.
- B. Each team must serve a total of five bound or stapled copies of its final brief contained in one single package or envelope. The packaged briefs must be postmarked on or before **Monday, February, 12, 2018**, and addressed to:

William S. Boyd School of Law
Attn: Paige Foley, Schreck Competition Chair
4505 S. Maryland Pkwy
Box #451003
Las Vegas, NV 89154-1003

- C. Failure to receive both the required number of bound briefs and the PDF version by the deadlines will each result in a reduction of 10 points off the team's total brief score.
- D. Briefs may not be revised after the February 11, 2018, electronic deadline. Failure to adhere to this rule may result in a reduction of points or disqualification.

V. BRIEF SCORING

- A. Each brief will be graded by the writing professors from UNLV William S. Boyd School of Law, the 2nd highest ranked legal writing program in the country. Additionally, a panel of the UNLV Gaming Law Journal Editors will grade the citations for each brief, in accordance with the Bluebook, and score each brief accordingly. Each team's final brief score will be calculated by averaging the scores.

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- B.** Briefs will be evaluated anonymously and graded on a scale of 1 to 100 points. Each brief shall be graded on the basis of the substantive law presented, the writing style, the citations and the persuasiveness of the writing.
- C.** Failure to conform to any of the rules will result in a reduction of a team's brief score.
- D.** Brief scores shall constitute thirty percent of each team's score in the preliminary rounds and ten percent in the quarter-finals. In subsequent rounds, brief scores will only be utilized as a tiebreaker.

VI. ORAL ARGUMENT

- A.** Each team is allotted 30 minutes for oral argument. Each team may divide this time between two members as it wishes, provided each oralist argues for at least 10 minutes. Failure to argue for at least 10 minutes will result in a deduction from that oralist's score. Each team must inform the bailiff how they wish to split their allotted time prior to beginning the round. Only the two team members arguing a round may be seated at counsel table.
- B.** Each team member must argue in at least one (1) preliminary round in order for that team member to argue in the advanced rounds. This still allows teams to utilize brief writers who choose not to compete in the oral arguments at all. Only competitors who argue in at least two (2) preliminary rounds will be considered for the Best Preliminary Round Oral Advocate Award.
- C.** Each round of oral arguments will have a bailiff responsible for monitoring the competitors' time and collecting the judges' score sheets. The bailiff will hold up a time card indicating when each competitor has five, three, and one minute(s) remaining. At the conclusion of allotted time, the bailiff will then hold up a card indicating the time is up. Continuing beyond the allotted time may result in reduction of points.
- D.** Petitioner has the exclusive right to rebuttal. Petitioner may reserve a maximum of five minutes for rebuttal by notifying the bailiff before the judges enter the courtroom. Petitioner must still formally request rebuttal time at the beginning of Petitioner's argument. Failure to inform the timekeeper or the Court will be treated as a waiver of rebuttal. Rebuttal may be given by only one team member arguing for Petitioner, as long as it is given by a team member that argued during that round.

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- E. Teams may not identify their school to any judge or timekeeper during the competition. Any disclosure of such information may result in disqualification from the competition.
- F. While Boyd students may not compete in the Competition and are not eligible for any Competition awards, one or more “ghost” teams composed of Boyd students may participate in the preliminary rounds, in the event of an odd number of teams.

VII. ORAL ARGUMENT ROUNDS

- A. **PRELIMINARY ROUNDS:** Each team will argue in three preliminary rounds, with at least one argument for Petitioner and one argument for Respondent per team, with the third preliminary round chosen by the Competition Chair at random. Pairings for the preliminary rounds shall be set by the Competition Chair and will be distributed prior to the commencement of oral arguments. The top 8 teams with the highest overall average from the three preliminary rounds will move to the quarter-final rounds.
- B. **Quarter-Final Rounds:** The top 8 teams from the preliminary rounds will move on to the quarter-final rounds. Pairings for the quarter-final rounds will be determined by having the highest ranked teams competing against the lowest ranked teams. The winning team in each room will move on to the semi-final rounds.
- C. **Semi-Final Rounds:** The winning 4 teams from quarter-finals will move on to the semi-final rounds. Pairings for the semi-final rounds will be determined by having the highest ranked teams competing against the lowest ranked teams. The winning team of each round will move on to the final round.
- D. A coin toss will determine what side the advancing teams shall argue in the quarter-final, semi-final and final rounds. A representative from each team must be present for the coin toss. The team with the lowest team number will call the toss while the coin is in the air. The team with the face-up side of the coin will be the winner and will choose what side it will argue for that round.
- E. No team can sit in or watch any round in which that team is still a participant. For example, if team X has made it to the semi-finals, team X will not be allowed to sit in, view, or watch any argument occurring in the semi-finals.

VIII. ORAL ARGUMENT SCORING

- A. Each oral argument round shall be judged by a three judge panel whenever possible (however, there will be no less than two judges on a panel). Each panel will be composed of individuals currently in possession of their JD, licensed attorneys and/or judges.
- B. Each oral argument will be scored in accordance with a standardized scoring sheet, which will be the same sheet used for all oral argument rounds during the Competition.

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- C. Each judge in every panel will have a score sheet for each competitor and the oral argument scores for every competitor will be an average of the judges' scores for that individual, with respect to each set of rounds of the competition. In the event of extraordinary circumstances, as determined by the Competition Chair, the Competition Chair reserves the right to adjust a judge's score by the standard deviation of the other judges' scores for that round. Under no circumstances will the Competition Chair lower a team's score.
- D. Total team scores will be based on a combination of brief and oral argument scores, consistent with the following rules:
1. Preliminary Rounds: The brief score will count for thirty percent (30%) of the total score. Oral argument scores will count for seventy percent (70%) of the total score. The eight teams with the highest overall final score in the preliminary rounds will advance to the quarter-final round.
 2. Quarter Final Round: The brief score will count for ten percent (10%) of the total score. Oral argument scores will count for ninety percent (90%) of the total score. The winning team in each room will move on to the semi-final rounds.
 3. Semi Final Round: The total score will be determined solely on the basis of the oral argument score. The winner will be the team that receives the highest oral argument score, averaging each judge's score. In the event of a tie, each teams' brief score will be used to determine a winner. The winning team from each room will move on to the next round.
 4. Final Round: The Final Round judges will choose a winner.

IX. AWARDS

Awards will be given for First Place Team, Second Place Team, Best Brief, Second Place Brief, Best Oralist, and Second Place Oralist.

The Final Round Judges shall exclusively choose the First and Second Place Teams. Only competitors who argue in at least two (2) preliminary rounds will be considered for the Best Oralist Awards, and the Best Oralist and Second Place Oralist will be chosen based on an average of their scores from all rounds they competed in. The Best Brief and Second Place Brief will be chosen exclusively based on their overall briefs scores.

X. DATES

- A. The competition problem and record will be considered frozen in time as of **December 15, 2017**.
- B. The competition problem and rules will be posted on the Frank A. Schreck Gaming Law Moot Court Competition website under "Competition Information" on **Monday**,

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December 26, 2017, at 11:59 p.m. PST.

- C. All substantive inquiries regarding the fact pattern must be submitted to shreckmcc@law.unlv.edu on or before **9:00 p.m. PST, Friday, January 19, 2018.**
- D. All requests for clarification of these rules must be submitted to shreckmcc@law.unlv.edu on or before **9:00 p.m. PST, Friday, January 26, 2018.**
- E. Team briefs must be submitted in accordance with these rules by **Sunday, February 11, 2018, at 11:59 p.m. PST** and postmarked **Monday, February 12, 2018.**
- F. The competition will commence March 9, 2018 and end on March 11, 2018.