



## RULES OF THE 2023 THIRTY-EIGHTH ANNUAL DEAN JEROME PRINCE MEMORIAL EVIDENCE COMPETITION

### Rule 1 – Competition Mission

The Dean Jerome Prince Memorial Evidence Competition is an inter-law school appellate advocacy competition sponsored annually by Brooklyn Law School through its Moot Court Honor Society.

The Competition seeks to explore issues that are at the forefront of evidentiary law and are of great interest to law students, practitioners, educators, and jurists.

Now in its thirty-eighth year, the Competition is named in honor of the late Jerome Prince, a distinguished and respected scholar of evidence, who was the Dean of Brooklyn Law School from 1953 to 1971. Dean Prince was the author of *Richardson on Evidence* (published by Brooklyn Law School), the leading text on New York evidence law, and a casebook of materials on evidence and numerous law review articles.

### Rule 2 – 2023 Prince Competition Schedule<sup>1</sup>

Final Team Roster Deadline	Monday, January 2, 2023
Problem Distributed	December 2023
Clarification Requests Deadline	Wednesday, January 10, 2023
Brief Due Date	Friday, February 10, 2023
Preliminary Round I	Thursday, March 30, 2023
Preliminary Round II and Octo-Finals	Friday, March 31, 2023
Quarter-Final, Semi-Final, and Final Rounds	Saturday, April 1, 2023

### Rule 3 – Teams

**3.1 Generally.** Each fully ABA-accredited law school is eligible to enter one team. The team may be composed of two (2) or three (3) students. All team members must argue in the competition, but only two members shall argue in any single round.<sup>2</sup> Team members must be matriculated in a full or part-time Juris Doctorate or equivalent program in the law school they represent. No team member shall hold a law degree.

**3.2 Team Rosters.** Finalized Team Rosters must be submitted no later than **December 30,**

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<sup>1</sup> Please note this schedule is subject to change.

<sup>2</sup> If two team members write the brief, then those two team members must argue in each round. If three team members participate in the brief-writing process, then that team will be responsible for dividing its oral argument so that each team member argues at least once during the Preliminary Rounds. Accordingly, a team may not have three team members contribute to the brief while only two of the members argue for the team.

**2023.** The Problem will not be distributed until the Team Roster is received.

**3.3 Substitution.** Except with the express written consent of the Prince Competition Coordinator, there shall be no substitution of team members after the official release of the Problem, scheduled for mid-December, but subject to change. Such consent will rest at the sole discretion of the Prince Coordinator, in consultation with the Faculty Advisor.

#### **Rule 4 - Team Identification**

**4.1 General.** Each team in the Prince Competition will be assigned an official team number. The official team number will be used throughout the Competition to ensure impartial judging.

**4.2 Brief Identification.** The official team number, followed by a P or R, to designate Petitioner or Respondent, must be placed on the upper right-hand corner of the outside cover of the team brief. Neither the school name nor the name of team members should appear anywhere on the brief.

#### **Rule 5 – Brief Generally**

**5.1 General.** Each team may elect to serve as counsel for the Petitioner or the Respondent for the purpose of preparing its brief. While each team will prepare only one brief, team members are required to argue both sides of the case during oral arguments.<sup>3</sup>

**5.2 Format.** Except to the extent that the rules herein are inconsistent, the rules of the United States Supreme Court shall govern the format of the briefs. There need not, however, be a formal statement of jurisdiction. Do not attach a copy of the Record to the brief. The brief must be printed on white paper. **Only the cover of the original brief must be blue for Petitioner or red for Respondent.**

**5.3 Typeface and Brief Length.** All briefs must be produced on 8-1/2 x 11 inch paper. The typeface shall be Times New Roman, 12 pt. Briefs shall not exceed thirty-three (33) pages in length, exclusive of the cover page, the questions presented, the table of contents, the table of authorities, and the appendices. The footnotes may be in 10 pt. font.

**5.4 Spacing.** The body of the brief must be double-spaced. Individual footnotes, quotes of more than fifty (50) words, and point headings, within the body of the brief, may be single-spaced. However, double-spacing between multiple footnotes on the same page is required. Each page shall have margins of at least one (1) inch on all sides. The page numbers may appear within the bottom margin.

**5.5 Citation.** All citations shall be complete and in the form prescribed by The Bluebook: A Uniform System of Citation.

**5.6 Identification.** In order to facilitate the anonymous grading of all briefs, only the official team number shall appear anywhere on the brief. Under no circumstances shall the

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<sup>3</sup> Please bear in mind that you are writing a brief to and will be arguing in the United States Supreme Court.

names of the team members or the school they are representing appear on the brief. While the brief may not be signed, each team may insert its official **team number** on the signature page. For proper identification, please refer to Rules 4.1 and 4.2.

## **Rule 6 – Submission of Briefs**

**6.1 Service on the Prince Committee.** Each team must submit its original brief, *which must be clearly indicated as such*, and five (5) other copies of the brief on, or before, **February 10, 2023**. The original brief and the copies must be post-marked on, or before, **February 10, 2023** and sent *certified mail* to:

Lael Franco  
Prince Competition Coordinator  
Moot Court Honor Society  
250 Joralemon Street, Room 600  
Brooklyn, New York 11201

**6.2 Service on Competitors.** Each team shall email a copy of its brief to [prince.competition@brooklaw.edu](mailto:prince.competition@brooklaw.edu) no later than **February 10, 2023 at 11:59pm** (Eastern Standard Time). The briefs will be made available to all competing teams via the Prince Competition’s website.

**6.3 Duplication of Briefs.** The copies of the brief, as required by Rules 6.1 and 6.2, shall be identical reproductions of the original brief. They shall be reproduced by any duplicating or copying process that produces a clear black image on 8-1/2 x 11 inch white paper. All copies are to be bound at the left margin in a volume or bound with three (3) staples along the left margin.

**6.4 Extensions.** No team may revise, substitute, add, delete, or in any other manner alter its brief after the deadline for submission. No extension will be granted without the express consent of the Prince Coordinator.

## **Rule 7 - Certification and Outside Assistance**

**7.1 Outside Assistance with the Brief Preparation.** No outside assistance may be rendered to the registered team members in the preparation of their brief. Only registered team members may prepare their brief. Coaches and advisors are not considered registered team members. Registered team members may assist each other in the brief writing process. The final work product must be both substantively and technically the exclusive work of the registered team members. Accordingly, all editing and proofreading must be performed by registered team members.

**7.2 Certification.** Each team submitting a brief in the Prince Competition shall certify that such brief has been prepared in accordance with the rules of the Prince Competition and represents the work product of said team. For your convenience, an unsigned certification form will be sent with the Problem and will be posted on the Prince Competition website. Each registered Team Member must individually sign the certification. The original

certification must be sent with the brief in accordance with Rule 6.1.

## **Rule 8 – Oral Arguments**

### **8.1 General.**

**8.1.1 Place.** Oral arguments will be held at Brooklyn Law School between **March 30** and **April 1, 2023**.

**8.1.2 Introduction of the Advocates.** Participants of each round shall introduce themselves to the court by their names only. **Under no circumstances**, at any time before, during, or after the oral arguments, shall the team's law school affiliation be mentioned.

**8.1.3 Use of Electronic Devices.** The use of electronic devices of any kind (including, but not limited to, computers, laptops, tablets, cell phones, smartphones, smartwatches, and electronic music players) for the use of recording, note-taking, or Internet research, is **prohibited** during any round of competition. No registered team member, coach, or spectator may use any electronic device during any round of the competition. This rule does not apply to electronic devices supplied by the competition or assistance devices (such as hearing aids). If clarification is needed, please contact the Prince Coordinator or the Faculty Advisor.

### **8.2 Time.**

**8.2.1 General.** Only two speakers from each school may argue during any given round.

**8.2.2 Time Allocation.** Each team has a maximum of thirty (30) minutes to present their oral arguments. No team member may argue for less than twelve (12) minutes, excluding rebuttal. Prior to argument, teams must inform the bailiff of the amount of time they wish to allocate to each speaker.

**8.2.3 Reservation of Time for Rebuttal.** Only one member of the Petitioner's team may participate in rebuttal. Out of the thirty (30) minutes allotted, Petitioners may reserve up to three (3) minutes for rebuttal. Prior to each round, Petitioners must inform the bailiff of the amount of time they wish to reserve for rebuttal. Upon the Petitioner's request, this time may be waived following the close of the Respondent's argument.

**8.3 Scouting and Note-Taking.** The scouting of rival teams is strictly forbidden. Competitors, coaches, and other affiliated individuals may not, under any circumstances, attend any round in which their school is not presently arguing or otherwise solicit information about other competitors and their arguments. However, registered coaches and competitors may take notes during rounds in which they are participating. Furthermore, registered coaches, competitors, and affiliated individuals may attend any other round once their team has been eliminated from the Prince Competition. Electronic Devices may not be

used for note-taking in accordance with Rule 8.1.3.

## **8.4 Sequence of Rounds**

**8.4.1 Preliminary Rounds.** There will be two (2) Preliminary Rounds, and each team shall argue in both rounds. In no event shall a team argue the same side of the case in both Preliminary Rounds, nor shall the same teams be paired against each other for both Preliminary Rounds. Teams shall be paired by a seeding process based solely on their respective brief rankings. For example, in Preliminary Round A the team with a Brief Rank of 1 will face the team with a Brief Rank of 19; Rank 2 vs. Rank 20; Rank 3 vs. Rank 21; etc.

**8.4.2 Sequence.** The Preliminary Rounds will be followed by one (1) Octo-Final Round, one (1) Quarter-Final Round, one (1) Semi-Final Round, and one (1) Final Round, in accordance with Rule 9.

## **Rule 9 – Scoring and Advancement in the Competition**

**9.1 General Scoring.** Throughout the competition, overall scores and advancement in the competition are based on the combination of brief score and oral argument scores. Briefs are graded by three judges who independently rate each team's brief. Oral arguments are graded by a panel of judges with no knowledge of the brief scores. The brief score will account for 40% of the team's total score for each round. The oral argument score will account for 60% of the team's total score for each round.

**9.2 Advancement.** Teams will advance in the Competition in accordance with the following rules:

**9.2.1 Preliminary Rounds.** Sixteen teams will advance to the Upper Rounds. Those teams which prevail in both Preliminary Rounds shall automatically advance to the Octo-Final Rounds. In the event more than sixteen teams have a perfect winning record, brief scores will control. In the event of a tie, the aggregate oral argument and brief score will control. The remaining positions will be filled by the teams with the highest plus-minus<sup>4</sup> scores that prevailed in at least one of the Preliminary Rounds. In the event of a tie, aggregate oral scores will control.

**9.2.2 Octo-Final Round.** The eight winning teams in the Octo-Final Round will advance to the Quarter-Final Round.

**9.2.3 Quarter-Final Round.** The four winning teams in the Quarter Final Round will

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<sup>4</sup> Plus-minus scores for teams that prevailed in at least one of the preliminary rounds are the aggregate number of points by which the team prevailed reduced by the aggregate number of points by which the team lost. For example, Team A loses the first round by 3 points, but wins the second round by 20 points for a plus-minus score of 17. Team B loses the first round by 15 points but wins their second round by 1 for a plus-minus of -14. Although both teams have won a round and lost a round Team A advances. The principle behind this selection method is to emphasize relative strength of oral argument performance to determine advancement and minimize subjective difference between panels of judges.

advance to the Semi-Final Round.

**9.2.4 Semi-Final and Final Rounds.** The winner of each Semi-Final Round advances to the Final Round. The team with the highest score in the final round is the overall Competition winner.

**9.3 Seeding and Determining Petitioner/Respondent in Upper Rounds.** At the conclusion of the Preliminary Rounds, advancing teams will be seeded in two brackets according to their aggregate brief and oral argument scores, with the first seed paired with the sixteenth seed, the second seed paired with the fifteenth seed, etc. Petitioner and Respondent will be determined at the beginning of each round, by the toss of a coin.

## **Rule 10 – Awards**

**10.1 Generally.** At the conclusion of the competition, awards will be presented to the winning team, the runner-up team, the best oralist in the Final Round, and the best oralist for the Preliminary Rounds. To be eligible for best oralist in the Preliminary Rounds, a competitor must have argued in both preliminary rounds. Awards will also be given to the first, second, and third-best briefs.

## **Rule 11 – Final Say**

**11.1 Penalties and Disqualifications.** The Prince Coordinator, in consultation with the Faculty Advisor, shall have the sole discretion to assess penalties or to disqualify any team for failure to abide by any of the Rules of the Prince Competition.

**11.2 Rule Interpretation.** The Prince Coordinator, in consultation with the Faculty Advisor, shall have the sole discretion to make all necessary interpretations of these rules. No request for additional interpretation of these rules is valid unless obtained in writing by the Coordinator. All requests for interpretations must be submitted to the Coordinator no later than **January 13, 2023**.

**11.3 Problem Clarification.** The Prince Coordinator, in consultation with the Faculty Advisor, shall have the sole discretion to answer substantive inquiries concerning the Record and all other papers that constitute the Problem. All such inquiries must be in writing and submitted to the Coordinator no later than **January 13, 2023**.

**11.4 Disputes Arising during Competition.** The Prince Coordinator, in consultation with the Faculty Advisor, shall have the sole power to resolve any disputes that may arise during the Competition. Any disputes arising during the competition must be submitted in writing to the Coordinator before such disputes will be resolved.

**11.5 Unauthorized Use of the Problem.** There shall be no unauthorized use of the Prince Problem without the express written consent of the Prince Coordinator or the Faculty Advisor. Please contact the Prince Coordinator or the Faculty Advisor if you would like permission to use the Problem.