



National Animal Law Competitions

CLOSING ARGUMENT COMPETITION 2023 RULES

PRESENTED BY:



In collaboration with:



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RULE I. ORGANIZATION

The National Animal Law Competitions (NALC) is an inter-law school event comprised of three distinct components:

- Appellate Advocacy Competition
- Closing Argument Competition
- Legislative Drafting & Lobbying Competition

NALC is an exciting educational event presented by the Brooks Institute for Animal Rights Law & Policy in collaboration with several leading law schools that include Harvard, Lewis & Clark, Vermont, University of Denver, University of San Francisco, and Yale. The purpose of the event is to provide law students an opportunity to develop knowledge in the field of animal law and hone their written and oral advocacy skills.

RULE II. PARTICIPATION

A. Competitor Eligibility.

Participation in the Closing Argument Competition is done on an individual basis. All students who are current full- or part-time J.D students at an ABA-approved law school in the United States, regardless of year* in school, are eligible to compete.

** First-year law students are eligible to compete in the Closing Argument and Legislative Drafting & Lobbying components of the National Animal Law Competitions. First-year law students are not eligible to compete in the Appellate Moot Court component.*

B. Registration.

Registration for the 2023 National Animal Law Competitions will open on Thursday, September 15, 2022, at 12 p.m. Eastern Time (ET).

Registration closes promptly at 11:59 p.m. (ET) on Tuesday, November 15, 2022.

To register, please visit TheBrooksInstitute.org/NationalAnimalLawCompetitions.

Competitors must submit a completed [Registration Form](#) with the [Certification of Authenticity](#) and arrange payment for the registration fee of \$25 (per individual competitor). **Registration is not complete until the competitors submit their written and video-recorded responses to the prompts provided later in these instructions.**

Preliminary rounds, including both written and video-recorded components, will be submitted, and judged electronically. Up to ten (10) competitors then will be selected to compete virtually for the semi-final and final rounds on March 18-19, 2023. More information about submitting your materials, the selection process for the preliminary, semi-final, and final rounds is provided below.

RULE III. COACHING

A. Timing and Preliminary Round Assistance (VERY IMPORTANT!).

Do not risk disqualification! Competitors are not allowed to receive ANY coaching or assistance with the problem prior to January 17, 2023.

This means that the written work and preliminary round video-recorded media interview submitted must be the sole work product of the competitor. As part of the registration process, all competitors must sign and submit the Certification of Authenticity form attesting to the originality of their work product and consenting to have the final rounds video recorded.

As a reminder: the completed [Registration Form](#), including the [Certification of Authenticity](#), written work, and video-recorded media interview submissions are due no later than November 15, 2022, at 11:59 p.m. ET. Failure to meet the submission deadline will result in disqualification from the competition.

In addition, competitors may *not* discuss the problem with anyone, including professors, coaches, students, colleagues, or any other individuals prior to January 17, 2023—which is when the semi-final round competitors will be announced and notified.

After January 17, 2023, and through the end of the competition, the selected semi-finalists may receive coaching assistance to prepare for the semi-final and final closing argument rounds pursuant to the additional restrictions outlined in these rules.

In sum, only *after*: 1) the posttrial motions and appeals memo and video-recorded media interview component have been submitted; 2) the semi-final round competitors have been notified on January 17, 2023; and 3) pursuant to the additional restrictions outlined in these rules, may competitors receive assistance from coaches in preparation for the semi-final and final closing argument rounds.

Violating any of these rules against preliminary round assistance will result in automatic disqualification.

B. Other Restrictions.

Competitors also *may not* receive *any* coaching, advice, or assistance *at any time* from individuals who:

1. Served as lead author of the 2023 Closing Argument Competition problem; or
2. Are serving as a judge for the 2023 Closing Argument Competition.

The burden of determining coaching eligibility rests on the competitor. Therefore, before receiving any coaching, advice, or assistance from anyone, competitors first should inquire whether the person was involved in authoring the problem or if they will be serving as a judge of the 2023

Closing Argument Competition.

C. During the Semi-final and Final Round.

Every effort is made to make NALC as fair as possible. Consequently, rounds are not open to the public, and competitors and their coaches who are invited to compete virtually for the semi-final rounds may not observe any semi-final rounds other than those in which they or their team are participating. Final round competitors and their coaches may not observe any final round presentations other than those in which they or their team are participating. Recording of any sessions by any competitor(s) or their coaches is not permitted.

D. Communication with Judges.

At all stages of the competition, competitors and coaches may not discuss the rules, problem, cases, strategy, or scoring with any NALC judges. Competitors and coaches also may not seek or receive any advice, feedback, or coaching from the NALC judges beyond the feedback that is provided immediately after each round. **Likewise, competitors and coaches may not disclose to any NALC judges which school they represent until after the competition has concluded.**

RULE IV. COMPETITION PROBLEM

A. Distribution and Components.

The Closing Argument Competition problem consists of the Trial Record, which includes a transcript of testimony, documents received in evidence, exhibits, and jury instructions. Competitors are free to choose to represent either the plaintiff or the defendant(s) in the case/competition. The Closing Argument Competition preliminary round problem is posted on the NALC website, under “Problems.” Please visit TheBrooksInstitute.org/NationalAnimalLawCompetitions.

The preliminary round of the Closing Argument Competition consists of both written and oral components. For the preliminary round written component, competitors must draft a posttrial motions and appeals memo of no more than three (3) pages. For the preliminary round oral component, competitors must video-record a media interview about the case of no longer than two (2) minutes. Both preliminary round submissions are due by 11:59pm (ET) on November 15, 2022.

On January 17, 2023, up to ten (10) competitors will be selected to participate virtually in the Closing Argument Competition semi-final round on Saturday, March 18, 2023, where they will present their 20-minute closing argument live to a panel of jurors (competition judges). That evening, finalists will be selected to compete virtually in the Closing Argument Competition final round where they will present their 20-minute closing argument on Sunday, March 19, 2023.

B. Questions and Competition Administrators.

If you have any questions about the Closing Argument Competition problem, requirements, or rules, please contact the competition administrators at info@thebrooksinsitute.org at the earliest date possible using the subject line “NALC Question.” Be sure to read both the problem and the

rules in their entirety before requesting clarification. Also be sure to refer to the rules again prior to the semi-final and final competition rounds. The competition administrators will not be able to respond to questions that already are answered in the rules and, if needed, can provide only minimal clarification on the problem.

RULE V. PRELIMINARY ROUND REQUIREMENTS

The written and oral lobbying components are both crucial aspects of the Closing Argument Competition. Therefore, competitors should strive to submit the very best products possible. Note that a special award for the overall Best Posttrial Motions/Appeals Memo will be sent to the competitor selected to receive this award after the conclusion of the National Animal Law Competitions on Sunday, March 19, 2023.

A. Format.

The competitors will assume the role of an attorney in the State of Utopia representing a client in the matter of MFUME V. TENDER CARE ANIMAL HOSPITAL, P.C. AND AMELIA PHILOFELIS, DVM, which is being tried in the in the Superior Court for the County of Glee. The Closing Argument Competition problem consists of the Trial Record, which includes a transcript of testimony, documents received in evidence, exhibits, and jury instructions. Using the trial record, competitors will be preparing to develop and ultimately present a 20-minute closing argument to a panel of jurors (the actual presentation will happen in the semi-final and final rounds). Competitors are free to choose to represent *either* the plaintiff or the defendant(s) in the case/competition.

For this Preliminary (Registration) Round each competitor must prepare and submit the following written and oral video-recorded components of the application:

Written Component:

For the Preliminary Round written component, each competitor must draft a memo of no more than three (3) pages that highlights all the potential posttrial motions they could make in the case, as well as any appeal issues, and then explains which motions and appeals they would make for tactical considerations and which they would not.

For the Preliminary Round only, competitors must assume that the jury has found Mfume 50% at fault, Philofelis 25% at fault, and PinkPearl 25% at fault, awarding Mfume \$150 for Pyewacket and \$7015.25 for other damages. Competitors also must assume that Utopia is a modified comparative fault State (which means no recovery if plaintiff is >50% at fault) but note that Utopia also adopts Restatement (2nd) Torts 457 (concerning downstream negligence).

The memo must have 1” margins, be double-spaced with 12-point font, using either Garamond or Century font type.

Oral Component:

For the Preliminary Round written component, competitors must imagine they have been

contacted by a local television news reporter who is interested in airing a feature about the case—before the jury has been empaneled but after the trial has begun. Being mindful of Rule 3.6 of the Utopia Rules of Professional Conduct reprinted below, each competitor must record and upload a video of themselves giving a summary of the case and their client’s position. The video recorded media interview must be no longer than 2 minutes and in mp4 format. Instructions on [how to video record](#) your media interview via Zoom are available on the NALC website, but you may use any method that supplies the video in mp4 format.

Rule 3.6: Trial Publicity

(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

(b) Notwithstanding paragraph (a), a lawyer may state:

- (1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;
- (2) information contained in a public record;
- (3) that an investigation of a matter is in progress;
- (4) the scheduling or result of any step in litigation;
- (5) a request for assistance in obtaining evidence and information necessary thereto;
- (6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest.

(c) Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.

(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).

B. Submission of Preliminary Round Materials.

Competitors must submit their posttrial motions/appeals memo and video-recorded media interview according to the specifications set forth in the [Registration Form](#). To be timely, the registration and all required documents must be submitted no later than 11:59 pm (ET) on Tuesday, November 15, 2022. The submission of work produced by any person other than the competitor is strictly prohibited, and competitors may not receive assistance from anyone prior to January 17, 2023.

RULE VI. SEMI-FINAL AND FINAL ROUND REQUIREMENTS

A. Format.

For the semi-final and final rounds of the Closing Argument Competition, competitors must use the Trial Record to prepare a 20-minute closing argument and present virtually to a panel of jurors (competition judges). Again, competitors are free to choose to represent *either* the plaintiff or the defendant(s) for their closing argument. We will use Zoom as the virtual platform, and an individualized link will be sent to the semi-finalists by March 1, 2023.

At the beginning of each closing argument presentation, the competitors shall introduce themselves and inform the jurors which party they are representing for their closing argument. The competitors then will be allowed a few moments to prepare for delivery of their closing argument. Each competitor will be allowed a maximum of twenty (20) minutes to present their closing argument. When the jurors (competition judges) are ready to begin, the Bailiff/Timekeeper will announce that the competitor may begin, and the twenty (20) minute time period will commence.

The semi-final and final round competitors and their coaches will not be permitted to view the closing arguments of their fellow competitors, nor are these rounds open to the public.

B. Timekeeping for the Semi-Final and Final Rounds.

Competitors will have twenty (20) minutes to present their closing argument in each semi-final and final round. The Bailiff/Timekeeper will display a green card until only three (3) minutes of the competitor's allotted time remain. At the three (3) minute mark, a card displaying the number three (3) will be displayed. When one (1) minute remains, a yellow card will be displayed. When the competitor's time has expired, a red card will be displayed, signaling that the competitor must conclude promptly.

C. Semi-Final Round.

The schedule for the semi-final rounds will be posted on the NALC website after the semi-finalists have been chosen by animal law expert judges. Competitors will be informed on January 17, 2023, if they have advanced to the semi-final round. Competition administrators then will determine the schedule and inform the competitors as soon as is practicable. This schedule, however, is subject to change at any time.

The semi-final competitors will present their 20-minute closing argument virtually to a panel of jurors (competition judges) on Saturday, March 18, 2023. Competitors will receive feedback from the jurors (competition judges) directly following their semi-final round closing argument presentation.

D. Final Round.

By 6 pm ET, Saturday, March 18, 2023, finalists will be informed via email if they have been selected to compete in the Closing Argument Competition final round where they will have the opportunity to incorporate their semi-final feedback and virtually present their 20-minute closing

argument again to the same panel of competition judges on Sunday, March 19, 2023.

RULE VII. VISUAL AIDS AND PROPS

Visual aids are a scored element of the Closing Argument Competition. Visual aids may include graphics, enlarged photographs, text, or other items. Only photographs included in the competition problem (if any) may be presented as evidence, but drawings and/or clip art may be used as additional visual aids. Competitors must use PowerPoint to display any visual aids they choose to use, and be prepared to share their screen so the visual aids are easily visible to the judges during the semi-final and final rounds.

RULE VIII. SCORING

A. Preliminary Round.

Experienced lobbyists, legislators, attorneys, and/or professors will score the posttrial motions/appeals memo and video-recorded media interview. The factors that will be considered for the scoring include language clarity, persuasiveness, and precision in drafting. A total score for each competitor will be calculated as follows:

- 50% – based on the competitor’s posttrial motions/appeals memo; and
- 50% – based on the competitor’s video-recorded media interview.

Based on those combined scores, up to ten (10) Preliminary Round competitors will be selected to participate virtually in the Closing Argument Competition semi-final round on Saturday, March 18, 2023.

B. Semi-Final Round.

Following the presentation of each closing argument during the semi-final round, each of the jurors (competition judges) will make a written rating of each competitor’s closing argument presentation. The same panel of jurors (competition judges) will score each of the competitors in the semi-final round.

Each juror (competition judge) will rate each competitor individually on five different evaluation factors using a scale of one (1) to ten (10) points:

1. Use of facts (1-10 points). Selecting and using the strongest facts effectively, including the ability to address negative facts. Stating facts accurately and not misrepresenting them.
2. Use of jury instructions (1-10 points). Educating the jury as to the criteria to be used in rendering a verdict. Effectively weaving in discussion of the jury instructions with the facts.
3. Persuasive content of presentation (1-10 points). Whether the presentation is

- persuasive, creative, and memorable.
4. Demeanor (1-10 points). Demonstration of a professional level of confidence, delivery, pronunciation, diction, eye contact, appearance, overall effectiveness of the advocate.
 5. Effective use of appropriate visual aids (1-10 points).

The jurors (competition judges) will use the following point ranges to rate each presentation performance factor:

- 10 - 9 Points: Outstanding performance
- 8 - 7 Points: Good performance
- 6 - 5 Points: Average performance
- 4 - 3 Points: Minimum level of acceptability
- 2 - 1 Points: Below average performance

The scores from all jurors (competition judges) then will be added together and averaged for each competitor. The maximum score any competitor may receive from both the individual jurors (competition judges), and after averaging all juror (competition judge) score sheets, is 50 points. At the conclusion of the semi-final round, the jurors (competition judges) also will rank their top five highest scoring competitors from one (1) to five (5).

Up to four (4) semi-final competitors with the highest combined average point totals will advance to the final round. The names of the competitors advancing to the final round will be announced no later than 6 pm ET, Saturday night, March 18, 2023, at which time selected competitors will be notified via email of their selection.

C. Tie-Breaking.

In the event of a tie between or among competitors based on their evaluation factor point totals, the tie will be resolved by consideration of the overall top-five rankings given by the jurors (competition judges). The tie-breaker top-five rankings will be tabulated according to the following point values:

<u>Juror Ranking:</u>	<u>Points:</u>
First	5
Second	4
Third	3
Fourth	2
Fifth	1
No Ranking	0

The competitor(s) who then have most top-five ranking points will advance to the final round.

D. Final Round.

The same panel competition judges will use the same evaluation factors, points, and top-five rankings to rate the final round competitor(s). In the event of a tie between or among final round competitors based on their evaluation factor point totals, the tie similarly will be resolved by

consideration of the overall top-five rankings given by the jurors (competition judges).

RULE IX. FORMAT OF FINAL ROUND

A. Format Change.

The format of the Closing Argument Competition will change in the final round. In the final round, competitors will deliver their closing argument as if at a bench trial. The standard jury trial format only will apply in the semi-final round. In the final round, the “jurors” then become “judges” and will act as such. Competitors should be ready to answer questions interjected by the panel of judges in this bench trial format.

B. Competitor Order.

The presentation order of the four (4) finalists will be randomly assigned.

C. Judges.

The same judges will hear and score all arguments in the final round.

RULE X. AWARDS

The Winner of the competition will receive an individual plaque, as well as a plaque for display by his or her law school. The Runner-Up (if any) will receive an individual plaque and the two (2) other finalists (if any) will receive individual certificates. The winner of the competition additionally will receive a cash prize of \$500. Finally, an award will be given for the overall Best Posttrial Motions/Appeals Memo which may not necessarily be drafted by a competition finalist.

The competitors’ names and photos may be posted on the Brooks and collaborating law schools’ websites, along with video recordings of the final round competition.

RULE XI. PENALTIES

Scoring penalties, up to and including disqualification, may be assessed at the competition administrators’ sole discretion for failure to comply with any rule or deadline set pursuant to these rules.

RULE XII. INTERPRETATION OF THE RULES

Requests for interpretation of these rules should be made to the competition administrator at info@thebrooksinstitute.org at the earliest date possible using the email subject line “NALC Rules Question.” All competitors will receive prompt notification of any new rules, as well as revisions to or interpretations of existing rules. All competitors shall be bound by any changes, effective

at the time of notification.

**The Brooks Institute for Animal Rights Law & Policy wishes you an exciting
and productive 2023 Closing Argument Competition.
Best of luck to all competitors!**



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