

Official Rules of the 2025 Energy and Mineral Law Moot Court Competition.

OVERVIEW OF COMPETITION

The Energy and Mineral Law Moot Court Competition is an inter-law school appellate moot court competition sponsored by the Appalachian School of Law (“ASL”) and the Energy and Mineral Law Foundation (“EMLF”). It is held in Lexington, Kentucky, in conjunction with the EMLF Fall Symposium.

The purpose of the Competition is to develop expertise in appellate advocacy on issues related to energy, environmental, and natural resources law. The Competition is coordinated by the Energy and Mineral Law Moot Court Board (“Board”), which is composed of ASL faculty, staff, and students from the ASL Moot Court Board and the Natural Resource Law Center, and the Executive Director of EMLF and his or her appointees.

The Official Rules for the 2025 Energy and Mineral Law Moot Court Competition (“Rules”) are set forth below.

RULE I. THE PROBLEM

The Problem is prepared by the Board and provided to each Team for use in preparing for the Competition.

A. Use of Problem for other than the Competition. Schools may not use the current Problem for intramural runoff competitions or other academic purposes for the current year’s Competition; they may, however, use past Problems. Schools may use the current Problem, after completion of the Energy and Mineral Law Moot Court Competition, for intramural competitions or other academic purposes, with appropriate attribution to ASL.

B. Questions about the Problem. The Board will accept questions relevant to the Problem until the deadline specified in the Fact Sheet (August 25, 2025).

RULE II. THE TEAMS

A. Number and composition of Teams. Each school may enter one or two teams (“Team”). The Team shall be composed of two or three law students, all of whom must be registered current law students seeking a *Juris Doctor* degree and in good standing at their respective schools at the time of brief writing and oral argument. There are to be no alternate Team members. Each Team member must argue in at least one preliminary round for a minimum of 10 minutes.

B. Team numbers. Upon registration, each Team will be assigned a Team number. This number should be referenced in any correspondence with the Board. To preserve anonymity, the Team number will be used during the Competition and Teams may not reveal their schools to the judges. Points will be deducted for non-compliance with this rule throughout the competition.

C. Identification, substitution or addition of Team members. Team members should be identified when registering or as soon as possible thereafter. The Board recognizes that the problem is being released during the summer months, and will allow team composition to be identified through August 25, 2025. There shall be no substitution or addition of Team members after August 25, 2025, except for extreme hardship and upon written permission of the Board.

RULE III. THE BRIEFS

A. General. Each Team may write only one brief. The Team may choose which side to argue for the brief but will argue both sides of the Problem during the Competition’s preliminary rounds. Only the members of the Team who will actually argue may participate in writing the brief. The use of the work product of any person other than a Team member to prepare the brief is strictly prohibited. Work product does not include materials of the type generally used by attorneys to prepare briefs and that are available for public use. “Available for public use” means accessible without privilege or reliance on a personal connection unique to the Team or Team member.

B. Format. All briefs shall comply with Federal Rules of Appellate Procedure 28 and 32, except as modified by these Rules.¹ All text and footnotes shall be in 12-point Times New Roman type. Briefs should be double-sided. Total length of the brief, excluding the Table of Contents, Table of Authorities and Appendices, may not exceed thirty (30) pages. All citations shall be complete and in the form prescribed in the latest edition of the Harvard Law Association’s Uniform System of Citation (“Bluebook”). Appendices may be used to recite the text of statutes, constitutional provisions, regulations, and materials that are not available.

C. Certification. Each Team submitting a brief shall certify that such brief has been prepared in accordance with these Rules and that the work product is solely that of the Team members.² The certification must be submitted to the Board along with the Team Brief.

D. Service of briefs and certification. Each Team shall serve its Brief and Certification

¹ Briefs of Appellants and Appellees shall comply with Federal Rules of Appellate Procedure 28(a)(2)-(9), 28(d) and 28(e). Excluded are 28(a)(1), 28(a)(4)(C), 28(a)(10), 28(b)-(c) and 28(f)-(j). References to the record under FRAP 28 should be to the record of the court. The applicable parts of Rule 32 are Rule 32(a)(1)-(4), with the exception of 32(a)(1)(A), 32(a)(2)(F). Recycled paper should be used.

² The certification shall state:

We hereby certify that the brief for _____ Law School is the product solely of the undersigned and that the undersigned have not received any faculty or other assistance in connection with the preparation of the brief. We further certify that the undersigned have read the Competition Rules and that this brief complies with these Rules.

Team Member

Team Member

Team Member

Date _____

upon the Board via email to emlmoot@asl.edu by 11:59 p.m. EST on September 5, 2025. The email should bear the subject line, "Brief for Team # [insert team number]." The Brief shall be in PDF file format. A Team may not revise its brief after its submission to the Board. Briefs emailed to the incorrect email address or that fail to comply with these service requirements will be subject to a one-point deduction. Briefs emailed late will be subjected to a one-point deduction per day late.

E. Availability of Briefs. All Team Briefs will be available for all competitors on the Competition website.

F. Prohibited Use of AI. Submitting text in briefs that have been generated by an AI tool, even if subsequently edited or modified, is strictly prohibited.

RULE IV. ORAL ARGUMENTS

A. Time and place. All rounds of arguments will be held in Lexington, Kentucky. The preliminary rounds will take place on October 7, 2025. The semifinal and final rounds will take place on October 8, 2025.

B. Number of arguments. Each Team will argue in three preliminary rounds. Each Team will argue a different party position in the first two preliminary rounds, and party positions will be randomly assigned for the third preliminary round.

C. Participants. Any two members of a Team may participate in any argument, but two members must participate in each argument. In the case of three-member Teams, each member must argue at least once during the preliminary rounds. Each Team must address all the issues in the arguments, dividing them among the two Team participants in any way it chooses, and determine the order of issues argued. A Team member not participating in an argument may be of counsel and sit at the counsel table during arguments.

D. Time allowed for arguments. Oral argument shall be limited to a total of thirty (30) minutes per Team, a minimum of ten (10) minutes must be argued by each Team member. Judges may interrupt arguments to ask questions but may not allow additional time. Judges, at their discretion, may allow additional time to answer pending questions. The official time of the round is the time indicated by the bailiff. No one other than the bailiff may display timecards or signal to the oralist how much time is left. Teams may use silent digital or analog watches, but no smart watches, with the approval of the bailiff for each round.

E. Rebuttal. Each party may reserve up to five (5) minutes for rebuttal. Rebuttal time may be subtracted from either or both of the two arguing Team members' time allotment. (Example: Team Member #1 may argue for 14 minutes, Team Member #2 may argue for 13 minutes, thus reserving a total of 3 minutes for rebuttal by one Team Member). Each party shall notify the bailiff in advance the amount of time that is being reserved, and from which Team member's

allotment the time should be subtracted. The first team member must also ask the judges to reserve rebuttal time; failure to do so may, at the judges' discretion, result in the Team being denied the opportunity to rebut. Only one Team member may rebut.

F. Rules of conduct. Computers, laptops, mobile phones, videotaping, audiotaping, and other electronic devices are prohibited during oral arguments. Devices should be turned off by competitors until the conclusion of the round. Visitors may observe the preliminary rounds when there is sufficient space in the room and if the visitor has been approved prior to the commencement of the round by the Board. The semifinal and final rounds will be held in larger spaces and observation will be encouraged for attendees at the EMLF Fall Symposium. Visitors must turn off all mobile/smart phones or any other electronic devices and may not take photographs or videos during the oral arguments.

RULE V. SCORING

A. Briefs. Faculty and Law Journal staff at ASL and other EMLF member schools, as well as experienced attorney-members of EMLF, shall score all briefs submitted and select the best brief in the Competition. Briefs are scored on the following bases: correct Bluebook citation, spelling, punctuation, capitalization, and brief format shall constitute twenty-five percent (25%) of the total brief score; thoroughness of research, depth of analysis, and persuasiveness of argument shall constitute seventy-five (75%) of the total brief score. The brief score will be used with the preliminary round scores to determine advancement to the elimination rounds.

B. Preliminary rounds. Total preliminary round scores shall be computed as follows: the brief score shall constitute forty percent (40%) of the total preliminary score. The combined score of the preliminary rounds shall constitute sixty percent (60%) of the total preliminary score (twenty percent (20%) for each of the three (3) rounds). The score each Team member receives in each preliminary round shall constitute fifty percent (50%) of that preliminary round score, which is ten percent (10%) of the total preliminary score. At the conclusion of the three preliminary rounds, the four Teams with the highest total preliminary scores shall advance to the semifinal rounds. Scores will be computed to decimals or fractional points, as necessary, to determine the four that will advance to the quarterfinal round. Ties shall be broken in favor of the Team with the higher brief score.

C. Semifinal and Final rounds. Four teams shall progress to the semifinal round. The higher seed shall select the party they represent in the semifinal round. The best Team from each argument in the semifinal round will be selected by the judges based only on the oral argument for that round and will advance to the final round of the Competition. The party each Team represents in the final round will be selected by a coin flip.

D. Results. The Best Brief and the Best Oralist of the combined preliminary rounds will be announced by the Board after the conclusion of the preliminary rounds. The oral argument scores for each team will not be announced but shall be determined by the judges without knowledge of

the brief score. The winning Teams for the semifinal and final rounds will be announced by the Board at the conclusion of each round.

E. Calculation and Announcement of Scores. A single listing of all final brief scores and final overall scores after the preliminary rounds will be emailed to participating Teams before moving on to the semifinal rounds. No individual Team member's scores will be distributed. A challenge made after that time is waived.

RULE VI. FACULTY OR OTHER ASSISTANCE

No Team shall receive ANY assistance preparing its brief. "Assistance" is understood in the broadest sense possible, and includes researching, writing, and discussing the substance of the brief. Teams are permitted to discuss the issues raised by the problem with its faculty or other advisors, but no one other than Team members may contribute any material to any aspect of the brief and no one other than Team members shall view the brief prior to its submission.

No Team shall receive assistance of any kind during an oral argument at the Competition. To maintain Team anonymity, coaches may not communicate with their Team during the oral arguments. Point deductions will be made if, upon request, it is determined that interference has taken place by a coach or faculty member.

RULE VII. PENALTIES

A. The Board may assess penalties, including disqualification, as it deems reasonable and appropriate in its sole discretion for failure to comply with the Rules or deadlines set pursuant to these Rules.

B. All briefs in the Competition shall be subject to uniform penalties for each type of violation; penalties may be levied in whole or fractional points.

RULE VIII. INTERPRETATION OF THE RULES

Requests for interpretation of these Rules should be addressed to the Board by email to emlmoot@asl.edu. Requests should be made at the earliest date possible. All interpretations of these Rules and any waivers, consents, assessments of penalties, decisions, or other actions taken by the Board in its administration of the Competition shall be in its sole and absolute discretion.

RULE IX. SCHEDULE

The Competition will be held on October 7 and 8, 2025. Times, room assignments, and party assignments for preliminary rounds will be emailed to the Teams in advance of the competition.

RULE X. OTHER RULES

The Board may from time to time make any other rules and procedures deemed advisable for the conduct of the Competition, in its sole discretion.