

*The Thirty-Fifth Annual*  
**DOMENICK L. GABRIELLI**  
**NATIONAL FAMILY LAW**  
**MOOT COURT COMPETITION**



## **Rules**

*Prepared By:*

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# RULES

## 1.0 INTRODUCTION

### 1.1 Purpose and History

The Domenick L. Gabrielli National Family Law Competition is sponsored by the Anthony V. Cardona Moot Court Board of Albany Law School. The Competition honors the distinguished career of the late Associate Judge Domenick L. Gabrielli of the New York State Court of Appeals, who selflessly contributed to the development of law students' appellate advocacy skills. This unique competition will bring the finest student advocates together to argue unresolved issues in family law.

### 1.2 Organization and Information

The Domenick L. Gabrielli National Family Law Competition is organized by the Gabrielli Chair, Emma Salazar, with the assistance of the Gabrielli Associates, Noah Chase and Joseph Anias. The 2023 Family Law Problem is written by the Gabrielli Chair. The Rules Committee is headed by the Gabrielli Chair, who is responsible for the promulgation and interpretation of these rules.

General information regarding the Competition can be obtained at <http://www.albanylaw.edu/mootcourt/intraschool/family-law-competition>

If there are any questions regarding the rules or the competition itself, please contact Emma Salazar.

**Email:** esalazar@albanylaw.edu  
**Telephone:** (518) 445-2316 (Moot Court Board)  
(347) 266-2146 (Gabrielli Chair)

## **2.0 ENTRANCE PROCEDURES AND GENERAL PROVISIONS**

### **2.1 Number of Teams**

A law school is permitted to enter a maximum of two (2) teams in the Competition.

### **2.2 Competition Agenda**

Law schools from around the country are invited to send one (1) or two (2) teams to the National Family Law Competition, depending on availability. Each school is required to submit a completed registration form designating a team contact person and a non-refundable entrance fee for each team it wishes to enter in the competition. Enrollment in the competition is on a first-come, first-served basis and is contingent on receipt of the registration form and entrance fee. The Competition will take place March 3 – March 4, 2023.

### **2.3 Composition of Teams**

Students currently enrolled in law school are eligible to compete, provided they have not received their Juris Doctor degree as of the date of the Competition. A team must consist of two (2) or three (3) students attending the same law school, but only two (2) members may argue during a given round. All members of the team must participate in both the writing of the brief and the oral arguments. If a member of a team does not participate in both the writing of the brief and the oral arguments, the team will be removed from the competition.

### **2.4 Substitution in Membership of Teams**

In general, team members may not be changed at any time after a school's team is registered and begins preparation of the brief. However, the Gabrielli Chair reserves the right to allow a substitute to participate in the competition upon a showing of extreme hardship by the team requesting such a substitution.

### **2.5 Team Identification**

Each team will be assigned a random number for identification purposes in order to ensure anonymity. The name of the teams' school is not divulged to any of the judges until after the scores have been calculated, and then only if the judge(s) are not judging any subsequent rounds. If a judge asks an advocate what school he or she represents, the advocate must respond that the rules do not permit the disclosure of school affiliation until after the competition. If any member of a team prematurely reveals that team's school identity to any judge(s), five (5) points will be deducted from that team's overall oral score from that round.

### **2.6 Record**

The Gabrielli Chair has incorporated a factual record into the family court opinion.

The facts in that opinion are the official and exclusive record. No new facts are to be added. Any requests for clarification of the facts shall be submitted in writing via e-mail to the Gabrielli Chair by **January 4, 2023**. The questions submitted and responses by the Gabrielli Chair will be promptly given in writing via e-mail to **all** competing schools. To contact the Gabrielli Chair, please write to [esalazar@albanylaw.edu](mailto:esalazar@albanylaw.edu).

## **2.7 Outside or Other Assistance**

The team coaches and faculty advisors may advise the team during the preparation of the team's argument and/or brief. However, such advice and assistance is permitted only for teaching purposes. The team coach or faculty advisor is prohibited from participating, in any manner, in the actual research for the argument or brief, or in the actual writing and/or editing of the brief. All substantive work must be the exclusive product of the team competitors.

## **3.0 BRIEFS**

### **3.1 Brief Writing Side**

The Gabrielli Chair will designate which teams will write for the Appellant and the Appellee. Each team will be required to write for the side that has been assigned. Failure to do so will result in a loss of twenty-five (25) points from the brief score. Please note that you must be prepared to argue for each side in the oral argument portion of the competition as discussed in Section 4.0: Oral Arguments.

### **3.2 Length of Briefs**

The brief may not exceed twenty-five (25) double-spaced, typed pages in Times New Roman, twelve (12) point font (except for point headings and subheadings, which must be single-spaced). The Cover Page, Table of Contents, and Table of Authorities are not included in the 25 page limit. Footnotes, if used, must be single-spaced in Times New Roman, ten (10) point font. Teams submitting briefs that exceed the specified page limit will be penalized five (5) points. Teams not using the proper size font will be penalized five (5) points.

### **3.3 Brief Content**

All briefs shall contain, under appropriate headings, and in the order indicated:

- i. Cover Sheet
- ii. Questions Presented
- iii. Table of Contents
- iv. Table of Authorities
- v. Statement of the Case
- vi. Summary of the Argument
- vii. Argument
- viii. Conclusion

The cover sheet of the brief must set forth: the name of both the court and the court appealed from; the index number of the case; the title of the document, e.g., "Respondent-Appellant Brief" and the anonymous identification number the team has been assigned. The brief itself shall not be signed, nor shall it contain any team member's name or school designation.

The statement of the case shall be persuasive, accurate, and comply with all ethical requirements of candor to the tribunal. Factual statements must be supported by references to the page(s) of the trial court decision where the facts appear.

### **3.4 Submission of Briefs and Formatting**

Each team shall submit one (1) brief as its official brief and one (1) electronic brief. The official, hard-copy brief shall be designated as the "Measuring Brief" on the cover and will be used for the purpose of judging the length of the brief. Any

process that produces a clear, black image on white paper may be used for briefs. All briefs must be produced on 8.5" x 11" paper. Typed matter should not exceed 6.5" x 9" per page (1 inch margins), including the page numbering. Briefs submitted to the Gabrielli Chair must have a colored cover sheet and the cover sheet shall be colored as follows: Appellee - blue and Appellant - red. Briefs submitted with the wrong color sheet will be penalized five (5) points.

Additionally, each team must submit an electronic version of its brief via e-mail to the Gabrielli Competition Chair at [esalazar@albanylaw.edu](mailto:esalazar@albanylaw.edu). The subject line of the e-mail should read "Gabrielli National Family Law Brief Submission – School Name." The body of the e-mail shall be left blank. The electronic version of the brief should be attached in Adobe PDF format. If you are unable to convert to Adobe PDF format, attach the document in Microsoft Word DOC format and the Moot Court Board will convert it to PDF format. Please note that some formatting, but not content, may be lost in conversion.

### **3.5 Citations**

All citations shall conform to the most recent edition of THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION. Failure to conform citations properly may result in point deductions of one-half (.5) of a point per citation.

### **3.6 Deadline for Submitting Official Briefs**

Each team shall submit one (1) "Measuring Brief" to the Gabrielli Chair in addition to the electronic copy of that team's brief. "Measuring Briefs" must be mailed first-class postage and postmarked by the United States Post Office on or before **January 17, 2023**. Briefs should be addressed to:

Albany Law School  
Moot Court Board  
ATTN: Emma Salazar, Gabrielli National Family Law Competition Chair  
80 New Scotland Avenue  
Albany, New York 12208

Electronic submissions should be made on or before 11:59 P.M. on January 17, 2023, in accordance with Rule 3.4.

### **3.7 Service of Briefs on Other Teams**

Briefs will be constructively served on all other teams electronically. The electronic version of all submitted briefs will be posted in a password protected section of the Domenick L. Gabrielli National Family Law website which can be accessed at <http://www.albanylaw.edu/mootcourt/intraschool/family-law-competition>.

### **3.8 Consequences of Failure to Submit Briefs**

If a team fails to submit its brief within the time specified by these rules, the team will be penalized five (5) points per day from the overall brief score. Briefs submitted five (5) days late will receive a twenty-five (25) point reduction in their comprehensive brief score. A brief that is submitted more than five (5) days late, but not more than ten (10) days late, will receive a fifty (50) point reduction in the comprehensive brief score. If a team submits a brief more than ten (10) days late, or not at all, that team will be removed from the Competition.



## **4.0 ORAL ARGUMENTS**

### **4.1 Time, Place, and Length of Arguments**

Given the unique circumstances surrounding COVID-19, all coaches, team members, and faculty advisors attending the competition must be able to provide (1) proof of vaccination and proof of at least one eligible booster shot, or (2) proof of a negative COVID-19 test taken within 24 hours of arrival.

Preliminary, octo-final, and quarterfinal oral arguments will be conducted in Albany Law School classrooms and Moot Courtrooms on March 3 and 4, 2023. Semifinal and final arguments will be conducted in the Albany Law School Moot Courtrooms on March 4, 2023. Specific time and room assignments for the preliminary rounds will be announced during registration on March 3, 2023. Time and room assignments for the succeeding rounds will be announced when the advancing teams from the previous rounds are announced.

Each team is limited to twenty-four (24) minutes to present its oral argument. Two (2) team members will argue at each round. Each individual shall argue for at least ten (10) minutes, but no more than twelve (12) minutes. The first advocate from each team must argue the first issue stated in the problem. The second advocate from each team must argue the second issue stated in the problem. A bailiff shall serve as timekeeper.

Before beginning arguments, counsel for the Appellant may request from the Chief Judge permission to reserve no more than two (2) minutes for rebuttal time. The time must be subtracted from the team member using the rebuttal time. The first advocate is the only team member who can request rebuttal time. Either advocate may use the requested rebuttal time, but it may not be split between team members. Only one team member may rebut, however, it does not need to be the first team member.

### **4.2 Courtroom Conduct**

No person may advise, instruct, or communicate in any way with any participant during oral arguments. No notes may be passed to a team member while he or she is standing for the purpose of making his or her argument. Team members not participating in the argument shall not sit at counsels' tables. If the team consists of three (3) members, each of the three (3) members must participate in at least one of the two preliminary rounds.

### **4.3 Designation of Sides**

To the extent possible, a team in the first preliminary round will argue the side for which that team submitted a brief. In the second preliminary round, a team shall argue the side opposite the one the team argued during the first preliminary round. In all subsequent rounds, sides will be determined by a flip of the coin, with at least

one (1) representative from each team present. The higher ranked team will call “heads” or “tails.” The coin toss will be conducted at the time the advancing teams from the previous round are announced.

**4.4 Preliminary Rounds**

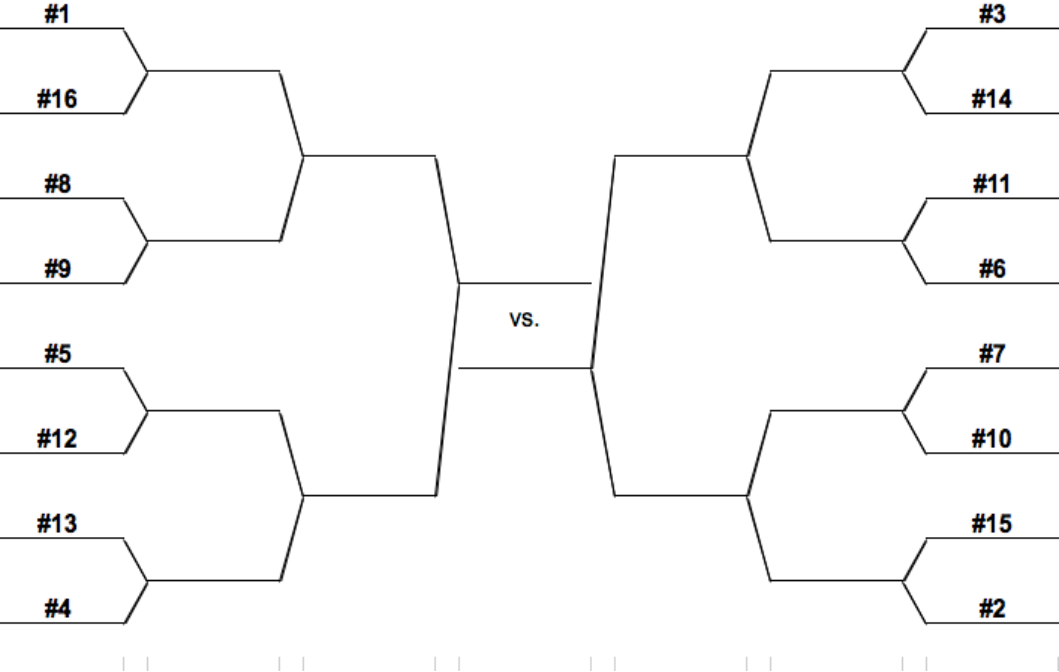
There will be two (2) preliminary rounds before eliminations. Each team will argue once for the Petitioner and once for the Respondent in the preliminary rounds. The sixteen (16) teams with the highest combination of brief and preliminary round oral argument scores will advance to the octo-final round.

Pairing for preliminary rounds will be decided at random, but no two (2) teams from the same school will argue against one another in the preliminary rounds. The Gabrielli Chair will make every effort to ensure that there are an even number of teams competing in the preliminary rounds. If there are an uneven number of teams, the team with the best brief will compete against a “dummy” team and advance to the octo-final round.

**4.5 Elimination Rounds**

After the two (2) preliminary rounds, a team score will be computed. Team scores will consist of 50% brief and 50% oral argument. The sixteen (16) teams with the highest scores will advance. These sixteen seeds will be seeded from highest score to lowest score.

Pairings for the octo-final, quarter-final, and semi-final rounds will be **single elimination** and based upon the initial seeding of teams. The team with the highest score will advance from each round. Elimination round progression is as follows:



Scoring during the octo-finals will be based on a calculation of 75% judges' score and 25% brief score. Scoring during the quarter-finals will be based on a calculation of 85% judges' score and 15% brief score. Scoring during the semi-finals will be based on 90% judges' score and 10% brief score. The finals will be based solely upon the votes of the judges. The team with the highest number of votes will be declared the winner. The winner shall be announced by the Chief Judge.

If a school chooses to send two (2) teams to the Competition, it assumes the risk of having those teams paired against one another if both teams advance to the elimination rounds.

#### **4.6 Attending Other Arguments**

Prior to elimination from the Competition, no team member, coach, or faculty advisor to a team participating in the Competition may attend any argument of any other team or receive information about such argument from any other person. Only the quarterfinal, semi-final, and final rounds are open to the public. Preliminary rounds are only open to the participating teams at that argument, their coaches/faculty advisors, judges/bailiffs, and the Gabrielli Chair, as space permits. Failure to observe this rule shall result in disqualification from the Competition.

## **5.0 JUDGES AND BAILIFFS**

### **5.1 Bailiffs and Time Keeping**

Each argument will have one (1) bailiff. The bailiff is responsible for keeping time at the argument. The bailiff will have no authority other than time keeping. Any questions regarding competition rules should be directed to the Gabrielli Chair or the Moot Court Board Executive Director. The bailiff will show the following time cards indicating the minutes remaining in each advocate's allotted time: "10," "5," "2," and "1." The bailiff will also hold up a card indicating "TIME" at the conclusion of the advocate's allotted time. All time cards will be shown to the advocate and to the judges. Once the "TIME" card has been displayed by the bailiff, the advocate must conclude with his or her argument.

### **5.2 Judging Oral Arguments**

There will be a maximum of three (3) judges per argument, with the exception of the final round. The judges will be given a list of criteria on which to base the scores of all participants. The judges will be informed that each participant is to be judged on an independent basis. Each judge will submit his or her own individual score sheet for each participant, except for the final round. The judges will be informed that scores should be based on oral advocacy skills, without any consideration of the judges' personal views of the case. At the conclusion of each round, the judges may, at their discretion, make personal comments to the teams concerning the arguments.

### **5.3 Conflicts**

Any questions regarding competition rules, bailiffs, and time keeping, should be directed to the Gabrielli Chair or the Moot Court Board Executive Director, and will be resolved by the Rules Committee.

## 6.0 AWARDS

GABRIELLI CHAMPIONS: The team winning the final round will be the Gabrielli Champion and will be awarded an engraved plaque.

FINALISTS: The team advancing to the final round, but not winning the competition, will be the Gabrielli Finalist and will be awarded an engraved plaque.

SEMI-FINALIST: The teams advancing to the semi-final round, but not advancing to the final round, will be the Gabrielli Semi-Finalists and will be awarded framed certificates.

BEST ADVOCATE: The awards for Best, Second-Best, and Third-Best oral advocate will be presented to the participants with the three highest average oral argument scores in the preliminary rounds. To be considered for an oral advocate award, the advocate must argue in both preliminary rounds. The Best advocate will receive an engraved plaque. The Second-Best and Third-Best advocates will receive framed certificates.

BEST BRIEF: The awards for Best, Second-Best, and Third-Best brief will be made to the teams with the three highest brief scores. The team receiving the Best brief award will receive an engraved plaque. The Second-Best and Third-Best brief recipients will receive framed certificates.

## **7.0 INTERPRETATION OF RULES**

Any questions regarding the interpretation of these rules must be submitted in writing to the Domenick L. Gabrielli National Family Law Rules Committee, Albany Law School, Moot Court Board, 80 New Scotland Avenue, Albany, NY 12208, or via email bearing subject line “Family Law Rule Interpretation” to the Gabrielli Chair at [esalazar@albanylaw.edu](mailto:esalazar@albanylaw.edu). The questions submitted and decisions rendered by the Rules Committee will be promptly given via e-mail to all teams.