

CRAL 2024 – Problem and Rulebook Clarifications

Updated: September 16, 2024

The problem and rulebook clarification deadline has now passed. If you have an outstanding problem or rulebook clarification that you believe is urgent and will impact the competition, reach out to the CRAL Co-Directors at emorymootcourt@gmail.com.

Rulebook Clarifications

Q: I do have one general clarification question on Section IV of the posted rules. I see that it is for students attending the same law school. We have a few students in pursuit of an LLM, so I wanted to see if this is a competition for which we may consider them?

A: Unfortunately, this competition is limited to those pursuing a JD degree. If those students happen to be pursuing a joint LLM/JD, or another joint degree that includes a JD, that is acceptable.

Q: When will the problem drop?

A: The problem will drop on August 23rd, 2024 by 5:00 p.m. We apologize for not including the problem drop in our initial rulebook.

Q: Does every member in a 3 person team have to argue in oral arguments? Or can a member be part of the team and conceivably not argue?

A: Not every team member must argue, and your third competitor may be a designated “brief writer” for the purposes of the competition. Pursuant to Rule XIII, team members may decide which two members will be arguing in any given round. However, pursuant to Rule XVII, a team member must argue in at least two of the first three rounds to be eligible to win Best Oralist.

Q: On the website and in the problem announcement, the final submission time was listed as 5:00 p.m. EST on September 20th. However, in section X of the Rulebook governing Brief

Submission, the submission time is listed as 11:59 pm EST on September 20th. Which one of these times is the proper time to submit the brief?

A: The brief submission deadline will be 5:00 p.m. EST on September 20th as listed on the website. Section X of the Rulebook has been corrected and uploaded to the CRAL website.

Q: Could you clarify the spacing requirement for the table of contents and table of authorities? The rule says they need to be single spaced, but does that just mean that headings and other parts that are longer than 1 line are single spaced? Or should the full tables be single spaced?

A: Headings and text longer than one line should be single spaced. You can, however, leave spaces in between each case listed in table of authorities as follows:

<i>Monell v. Dept. of Social Services</i> 436 U.S. 658 (1978).....	1
<i>Oklahoma City v. Tuttle</i> 471 U.S. 808 (1985).....	2

Q: I am emailing you to ask for a Clarification for Brief Sections. Should each section be separated with a page break?

A: Pursuant to Rule VIII, any partially filled page will count as one (1) page. We have not included any specific instructions about page breaks, but generally require that the brief meets the page limit.

Q: We are requesting clarification for Rule VII—Brief Formatting. If bullet points are used in the brief, do they also need to be double-spaced, or may they be single-spaced?

A: After a brief search, we did not find any particular Bluebook guidelines for bullet points or lists. For this competition, we will suggest the following formatting: include double spacing between the bullet points, but if the sentence runs over one line, the spacing may be single spaced:

- **Point A: Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua;**
- **Point B;**
- **Point C: Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat.**

Please be aware that if it appears that any team is using bulleted lists to circumvent the page limit (See Rule XXIII: Penalties), their use is subject to a deduction of -0.5 (half a point) per violating page. This is discretionary.

Q: I have a question regarding mentioning our team number on the brief: If we have two teams from our school, do we write Team Number (plus letter assigned) on the brief?

A: No, you do not need to include your letter assigned – please do not do so. Each team has its own individual number that is linked to our anonymized database; schools with two teams' team numbers are not the same.

Problem Clarifications

Q: The complaint, at paragraph 16, states: [See "Genovia Times Article," attached hereto as Exhibit D.] Yet, in the actual exhibit list, Exhibit E, **not** Exhibit D is the "Genovia Times Article."

In addition, paragraph 18 of the complaint, states: [See "Moms for Literacy Permit," attached hereto as Exhibit E.] Yet, in the actual exhibit list, Exhibit D, not Exhibit E is the "Moms for Literacy Permit."

Thus, I believe Exhibit D and E were switched. Both exhibits are correct as indexed but incorrectly cited in the complaint.

A: The record has been corrected and a revised problem has been uploaded to the CRAL website. [Exhibit D] will remain the Genovia Times Article and [Exhibit E] will remain the Moms for Literacy Permit.

Q: The language of Issue 2 appears limited to whether or not a successful qualified immunity claim prevents a municipal liability claim. As in, an analysis focused on how courts have treated the similarities or differences between 'qualified immunity' and 'Monell-based municipal immunity.'

However, the opinion discusses the merits of a Monell claim, and in a failure to train context. Specifically, with "we must address whether a municipal government can be 'deliberately indifferent' to the need to train for the protection of a constitutional right which itself is not clearly established. We hold that it cannot." (Record, 12).

It is not clear to me whether or not the scope of Issue 2 is meant to be limited to (1) whether or not qualified immunity claims legally preclude Monell claims, if/that a court has ever ruled as such or according to policy, or if the issue is meant to include (2) argument on the merits of a Monell failure to train claim, as in whether or not the Appellant can succeed on their Monell claim despite the qualified immunity ruling.

A: The opinion discusses the merits of a *Monell* claim in order to evaluate whether the factors that support a finding of qualified immunity due to a lack of clearly established law affect the factors that support a *Monell* failure-to-train claim. The problem is written in such a way that although the issue is specifically whether qualified immunity legally precludes a *Monell* claim as you pointed out, this would inherently require you to speak to the merits of both claims to see how/if they overlap. To answer your question more directly, both points should ideally be addressed, and you should speak to the merits of a *Monell* claim in the context of a lack of clearly established law which supports a finding of qualified immunity.

Q: Page 6 of the Record states: “The City of Gutenberg implemented new protest permit guidelines for demonstrations in order to stem these conflicts.” It seems implied that there were no guidelines prior to this implementation and that Officer Bradbury was not yet a permit officer. However, it is not explicit anywhere in the Record. Is it true that the implementation of the new permit guidelines means everything is new, such as Bradbury's position and any guidelines whatsoever?

A: This is an ambiguity in the record that is there purposefully. The Permit Ordinance itself is new (and dated as such). Other materials are undated. However, it was not our intention to imply that Bradbury was not employed by the City Mayor’s Office for Special Events prior to the Ordinance. Rather, the implication or inference we were intending is that there were no specific guidelines in place as to the permitting approval, denial, and appeal process.

Q: Can it be assumed that Dorian lived with his parents, or is this intentionally left out of the problem?

A: Yes, it can be assumed that Dorian lived with his parents. Though we are hesitant to state assumptions as facts that are not explicitly in the record, the fact that Dorian used school bus transport was meant to suggest that he lived within the school district (with his parents, at home).