

ANDERSON CENTER SEVENTH CIRCUIT MOOT COURT COMPETITION

COMPETITOR REQUEST FOR RULES & PROBLEM CLARIFICATION

(posted January 24, 2024)

Rule Clarification Questions Received between 5:01pm on January 16 and 5:00pm on January 23 (question period 2)

Problem Clarification Question 2.1:

While reading the problem, it mentions that Professional Rules of Conduct 1.10(c) will be one of the relevant issues. However, I noticed that the ABA 1.10(c) and Indiana RPC 1.10(c) are different. Is this problem referring to Indiana Rules of Professional Conduct specifically? Or will we be required to analyze both ABA 1.10(c) and Indiana RPC 1.10(c)?

Committee Response to Problem Clarification Question 2.1:

The Committee does not view this question as requesting a clarification of the problem, but rather as a request for legal analysis. As such, this question cannot be directly answered. However, the Committee notes the following language from the prefatory “A Few Considerations and Instructions” document that was included in the Problem Packet:

“[W]hile professional conduct rules are referenced in the Record, no specific ethical code is provided. One of your tasks will be to determine the applicable rules for the relevant court.”

Competitors are further reminded that, unlike in many moot court competitions, they are preparing an appellate brief on a case from a specific district court that will be heard by a specific appellate court.

Problem Clarification Question 2.2:

While looking through the materials, we noticed that there are affidavits attached as some of the available exhibits. Our team was wondering whether this meant that the standard of review would be a mixed standard or whether it will be *de novo* review.

Committee Response to Problem Clarification Question 2.2:

The Committee does not view this question as requesting a clarification of the problem, but rather as a request for legal analysis. As such, this question cannot be directly answered. However, the Committee notes the following language from the prefatory “A Few Considerations and Instructions” document that was included in the Problem Packet:

“The following facts should be carefully considered when determining the standard of review: the district court decided this case based only on the pleadings

and attached affidavits and documentary evidence, it did not hold an evidentiary hearing, and it did not make any findings of fact.”

Problem Clarification Question 2.3 (*Cross-posted as Rules Question 2.4*):

Hello, can you please explain more about the jurisdictional statement required? My team is a bit confused as to all of what needs to be included. Thank you!

Committee Response to Problem Clarification Question 2.3:

The jurisdictional statement must address both the requirements set forth in Federal Rule of Appellate Procedure 28(a)(4) and any applicable required details set out in the Seventh Circuit’s Circuit Rule 28(a), which supplements Federal Rule of Appellate Procedure 28(a)(4). In drafting the jurisdictional statement, it will be important to not only closely examine the applicable rules, but the facts in the record on appeal.

This question does suggest a clarification regarding a procedural step in the case will be helpful. For the purposes of briefs submitted in this competition, competitors are advised of the following fact:

Ms. Zott filed her Petition for Permission to Appeal the Order on the Motion to Disqualify Julius & Handler with the Seventh Circuit on November 16, 2023.

No record citation is available for this fact, as the petition was filed in the Seventh Circuit rather than in the district court; the fact may be provided to the Seventh Circuit without a citation.
