AMCA Brief Writing Competition
Instructions and Template Brief

(updated Nov. 16, 2023)

AMCA provides this template brief to aid students in preparing their submissions for the Brief Writing Competition. AMCA cautions competitors that, in all respects, the Official Rules for the Brief Writing Competition as published on the AMCA website are controlling. The AMCA Rules contain specific requirements for content and formatting and further provide that advocates should format their briefs and citations according to the latest versions of the Rules of the Supreme Court (www.supremecourt.gov) and *A Uniform System of Citation* (www.legalbluebook.com) where the AMCA Rules are silent. To the extent anything in this template or AMCA's Guide to Basic Legal Citation is inconsistent with these authoritative sources, those sources govern. Use of this template neither guarantees compliance with the Rules nor constitutes a defense to the loss of any points or to disqualification. Students must review the governing Rules independently and ensure that their final submission, whether using this template or not, is in full compliance.

This template brief makes use of custom styles (named "AMCA" followed by a descriptor) in Microsoft Word to create appropriately formatted headings, body text, and brief structure. The use of these styles allows the creation of an automatic Table of Contents, which may be updated by right-clicking on the table and selecting the appropriate option. Students who wish to create an automatically updated Table of Authorities are encouraged to explore Microsoft Word's features for doing so. However, students are again reminded that the final product is solely their responsibility. Malfunctions or broken hyperlinks in an automated Table of Contents or Authorities may result in the deduction of points by scoring judges. Using AMCA's custom

styles is not a defense to the loss of points if the end result does not comply with the applicable Rules.

Throughout this template brief, [red bracketed text] indicates places where students must replace the bracketed text with the relevant case-specific material. The template also provides commentary, explanations, and practice tips in [blue bracketed text]. AMCA recommends that students save a separate copy of this blank template containing this commentary but delete it from their working draft before beginning to write their submission. Leaving the bracketed commentary in the submitted brief may result in the loss of points. Likewise, when deleting commentary, students should be careful not to leave extra line breaks or spacing, as such formatting errors may also result in deductions.

No. [____-____]

IN THE

SUPREME COURT OF THE UNITED STATES

[Petitioner Name],

PETITIONER,

V.

[Respondent Name],

RESPONDENT.

ON WRIT OF CERTIORARI TO THE
[NAME OF COURT UNDER REVIEW]

BRIEF FOR [PETITIONER/RESPONDENT]

QUESTIONS PRESENTED FOR REVIEW

[The Questions Presented for Review are the certified questions appearing on the cover page of the AMCA Case Problem. Supreme Court Rule 24(1)(a) requires that the questions presented be "the first page following the cover, and no other information may appear on that page." Under Rule 24(1)(a), advocates are permitted to reword the questions presented so long as they do not "raise additional questions or change the substance of the questions already presented."

Practice Tip: In some cases, rewording a question presented may make it more easily readable or clarify the issue. However, caution should be exercised not to violate the prohibition on changes to substance or to rewrite the question presented in such a slanted manner that an advocate's credibility before the Court is damaged on the first page.]

1. [Statement of the First Issue]
2. [Statement of the Second Issue]

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TABLE OF CITED AUTHORITIES

[Supreme Court Rule 24(1)(c) requires a "table of cited authorities" for all briefs over 1,500 words. A table of cited authorities must generally list every authority cited within a brief, using only the long-form citation and no pincites, and the page numbers of the brief on which each authority is cited. The record or case problem does not need to be listed in the table of cited authorities. Advocates are reminded that the AMCA Brief Writing Competition Rules and *A Uniform System of Citation* ("the Bluebook") are the authoritative sources for citation format. AMCA has provided a non-authoritative Guide to Basic Legal Citation on its website that summarizes the most common citation formats advocates are likely to encounter.

Practice Tip: Appellate advocates typically divide their table of authorities into three categories: cases, statutes, and other authorities (including rules, regulations, secondary sources like dictionaries, etc.). It is highly unlikely that advocates will use "other authorities" because of the closed-problem rule, except to the extent such sources are cited within a case listed in the problem's table of authorities. Likewise, some case problems may not involve statutes to be cited. Nonetheless, where appropriate, advocates are encouraged to divide their table of authorities into categories for clarity and overall appearance. If there are no sources in a particular category, advocates may generally choose between omitting the category entirely or including it with "None." underneath the category heading.]

Insert Table of Authorities here.

CONSTITUTIONAL AND STATUTORY PROVISIONS

[Supreme Court Rule 24(1)(f) requires that the brief set out the "verbatim" text of all constitutional provisions, statutes, regulations, and ordinances at issue, unless they are "lengthy," in which case the brief may lay out the exact text "in an appendix to the brief." If the case involves short constitutional provisions or statutes, regulations, or ordinances, advocates should lay out the text of those sources of law in this section. Otherwise, see Appendix A at the end of this template.]

Include constitutional and statutory provisions here, or indicate "see Appendix A" if included there.

STATEMENT OF THE CASE

[Supreme Court Rule 24(1)(g) requires "[a] concise statement of the case, setting out the facts material to the consideration of the questions presented, with appropriate references to the joint appendix … or to the record." Supreme Court Rule 24(6) specifies that the brief overall "shall be concise, logically arranged with proper headings, and free of irrelevant, immaterial, or scandalous matter." Because the case problem does not include a joint appendix, advocates should cite to the record, using the citation format "R. [X]," where [X] is the page number of the case problem. Advocates may, but are not required to, use headings to subdivide the statement of the case.

Practice Tip: Good statements of the case are thorough but efficient. Advocates should avoid including facts that do not matter to either side's arguments before the Court. However, advocates should generally still include relevant facts that are harmful or adverse to their

positions. Appearing to hide bad facts from the Court damages advocate credibility and weakens affirmative arguments. A fair, objective statement of the case both builds credibility with judges and presents your side more confidently.]

Begin statement of the case here.

SUMMARY OF ARGUMENT

[Supreme Court Rule 24(1)(h) provides that the brief should include:

> [a] summary of the argument, suitably paragraphed. The summary should be a clear and concise condensation of the argument made in the body of the brief; mere repetition of the headings under which the argument is arranged is not sufficient.

Practice Tip: A persuasive summary of argument takes a high-level view of the issues and explains, in a short and straightforward manner, how the party answers the questions presented. The summary of argument functions as the transition from more objective, procedural front matter to substantive advocacy. Dense or nuanced legal analysis and citations are usually not persuasive here. Rather, the best summaries of argument use plain language and non-technical explanations to make their positions seem like the natural, common-sense outcome of the case under both facts and law. Lengthy summaries are generally disfavored. A paragraph or two (4-6 sentences each) per issue is a good rule, but cases and arguments vary. Advocates should prioritize achieving a clear, concise, and persuasive summary over a specific length.]

Begin summary of argument here.

ARGUMENT

[The argument section constitutes the meat of the advocate's brief. Supreme Court Rule 24(1)(i) requires that the argument "exhibit[] clearly the points of fact and of law presented and citing the authorities and statutes relied on." Likewise, advocates should remember Supreme Court Rule 24(6)'s requirement that the brief "shall be concise, logically arranged with proper headings, and free of irrelevant, immaterial, or scandalous matter." Advocates are reminded that AMCA's 20-page limitation applies only to the argument and the conclusion but is strictly enforced with disqualification. Advocates are also encouraged to review the Scoring Criteria attached to the official AMCA Rules to remind themselves how judges will be grading their arguments. Among other things, the grading criteria include organizing effectively, employing sound logic, addressing bad facts and counterarguments, reaching clear conclusions, discussing substantial case law, using readable language, and employing proper grammar, correct citations, effective headings, and a professional overall appearance.

Practice Tip: Organization and subheadings are often underestimated tools in a persuasive advocate's toolbox. By subdividing arguments into logical, digestible bites, advocates can ensure that the reader walks away with clear conclusions about individual points. Advocates are encouraged to spend time thinking about the most effective structure of presenting their substantive arguments. In general, headings should be a single, complete sentence, phrased as a concise, declarative statement (*e.g.*, "The police's search was lawful" or "The Constitution does not protect a right to drive snowmobiles"). Subheadings should be used to break up lengthy sections of argument where more individualized treatment of points is possible. As a matter of style, the best headings often use normal sentence-case capitalization, not all- or small-capitals, and do not extend more than two lines of text.]

If you wish, you may make a brief restatement of your overall thesis or roadmap for your two issues here. If you do, however, recall that your judge will have just finished reading your summary of argument, and avoid repetition.

I. [This is a declarative statement of your answer to the first question presented.]

Begin your discussion of the first question presented here.

A. [If you need to break your argument into subheadings, follow the same general guidelines of format and style.]

Begin discussion of a subsection of your argument here.

1. [In general, using more than three levels of headings risks confusing your reader and diminishing overall appearance.]

Begin discussion of a subpart of a subsection of your argument here.

II. [This is a declarative statement of your answer to the second question presented.]

Begin your discussion of the second question presented here.

A. [Again, if you need to subdivide your arguments, use digestible subheadings.]

Begin discussion of a subsection of your argument here.

1. [Further subdivide your argument if helpful for logical organization.]

Begin discussion of a subpart of a subsection of your argument here.

CONCLUSION

[Supreme Court Rule 24(1)(j) states that the conclusion should "specify[] with particularity the relief the party seeks." A petitioner always seeks to "reverse" the lower court's decision. A respondent always seeks to "affirm" the lower court's decision. The form and style of a conclusion is open to the advocate, though it is usually better to be concise. Some advocates choose a straightforward restatement of the legal conclusions they wish the Court to adopt. Others use the conclusion as a broader, more policy-oriented statement of the implications or consequences of ruling for one party over another. There is no right answer. Advocates are encouraged to think critically about the best method of presenting a conclusion that is consistent and satisfying based on the arguments advanced above.

Practice Tip: Many appellate lawyers use a traditional prayer for relief for the last sentence of their conclusion: "For the foregoing reasons, the [petitioner/respondent] respectfully requests that this Court [affirm/reverse] the decision of the [lower court on review]." The U.S. Solicitor General concludes even more briefly: "This Court should [affirm/reverse] the judgment of the court of appeals." These formulations have the benefit of being direct and weighty with tradition but risk being perceived as stale. Conversely, a more forceful or creative conclusion may strike traditionalists as too casual when requesting relief from the U.S. Supreme Court but may appeal to judges who prefer a more engaging, dynamic style. Advocates should experiment to find the manner of conclusion that best fits their personal style.]

Begin your conclusion here.

Respectfully submitted,

Counsel for [Petitioner/Respondent]

APPENDIX A: CONSTITUTIONAL AND STATUTORY TEXT

[If the constitutional or statutory provisions are too lengthy to include at the front of the brief, advocates should include the full text of the relevant provisions here. Advocates may use the "AMCA Block Quote" style if they wish or choose other formatting that makes the statutory language readable and orderly. Advocates should not forget to include the appropriate citations for the provisions. Advocates are reminded that Supreme Court Rule 24(3) expressly prohibits including "in an appendix arguments or citations that properly belong in the body of the brief."]

Include relevant constitutional and statutory provisions here.