

2018

**L. EDWARD BRYANT, JR.
NATIONAL HEALTH LAW
TRANSACTIONAL COMPETITION**

OFFICIAL RULES

HOSTED BY:

**Beazley Institute for Health Law and Policy
Loyola University Chicago School of Law**

PART I. ORGANIZATION OF THE COMPETITION

The National Health Law Transactional Competition (“the Competition”) is an inter-law school transactional competition sponsored by the Beazley Institute for Health Law and Policy at Loyola University Chicago School of Law. The purpose of the Competition is to develop corporate and transactional lawyering skills and encourage interest and research in the field of health law. The Competition is organized by a Coordinating Committee (“the Committee”), which is comprised of faculty and staff of the Beazley Institute for Health Law and Policy. Health law practitioners, including leading partners from major health law firms, in-house counsel, government attorneys and advisers, judge the competition and play the role of the client during oral presentations.

PART II. THE RULES

Teams

Rule 1. Number and Composition of Teams.

Each participating school may enter up to two teams. Each team shall be comprised of three students, all of whom must be law students currently enrolled in a JD program at the time of the Competition.

Rule 2. Substitution of Team Members.

All substitutions must be communicated to the Committee by emailing health-law@luc.edu. There shall be no substitution of team members after submission of the written memorandum except upon written consent of the Committee.

Rule 3. Format and Length of Memoranda.

- (a) Format and Length of Memoranda.
 - i. No information that tends to identify the school or contestants other than the number assigned by the Committee may appear at any place in the memorandum or on the cover. Teams will be assigned a competition number upon registration. This number should be used to identify the team in the memoranda.
 - ii. No memorandum may exceed 30 double-spaced typed pages (including any table of contents). The memorandum must be typed in Times New Roman 12-point font and saved in Adobe Acrobat PDF file format.

- iii. The memorandum must have pages not exceeding 8 ½ by 11 inches with 1-inch margins. Page numbers are not included in the margin requirements.
 - iv. Any necessary citations should be in footnotes rather than endnotes or within the text. Citation form should be in compliance with *The Bluebook*.
- (b) Each team submitting a memorandum in the Competition shall certify that the memorandum has been prepared in accordance with these Rules and that it represents the work product solely of such team's members. The Certification is attached as Appendix A. ***Team Members must each individually sign this form by name.***

Rule 4. Delivery of Memoranda.

- (a) Delivery of Memoranda to the Committee.
- (i) Each team shall submit one electronic copy of its memorandum via e-mail no later than Friday, February 16, 2018, at 11:00 p.m. central standard time, to the following address: health-law@luc.edu.
 - (ii) The electronic copy of the memorandum must be in Adobe Acrobat PDF file format. No other formats will be accepted without prior approval. ***The electronically submitted memorandum should be one document only. The subject line of the e-mail must contain the team's designated number, and the body of the e-mail must contain the name of the law school and the team members' names.***
 - (iii) An e-mail will be sent to confirm each team's memorandum submission by 4:00 p.m. central standard time on Monday, February 19, 2018. If a team does not receive a confirmation email by that time, they should immediately contact the Beazley Institute at health-law@luc.edu or (312) 915-7174.
 - (iv) The Committee will make available to competitors memoranda submitted by other teams. Memoranda will be made available within one week of receiving all electronic versions of the memoranda.
- (b) Delivery of Certification to the Committee.

After signing the Certification (Appendix A), each team must scan and electronically submit its Certification to the Committee. Each team must send the Certification as an attachment to the memorandum submission e-mail described above.

Rule 5. Revision of Memoranda.

A team may not revise or supplement its memorandum after delivering its memorandum to the Committee.

Rule 6. Faculty or Other Assistance.

- (a) Memoranda. No team may receive specific assistance in the writing of its memorandum. Only registered team members may perform editing and proofreading of the memorandum. The problem may NOT be shared with anyone other than registered team members until the memorandum has been submitted. Please note that a faculty or staff member designated to receive communications regarding the Competition may view the problem when it is released, but should not provide assistance to team members in drafting their memorandum. This Rule, however, should not be construed to limit in any way the resource material available to the participants or the general discussion of the issues raised in the problem with non-participants.
- (b) Oral Presentations. Once the memorandum has been turned in, teams are encouraged to have faculty or others judge practice presentations, ask questions, and give general feedback, provided such feedback is not specifically designed to change the substance of the presentation. In interpreting this Rule, it should be emphasized that the purpose of the Competition is to develop the art of transactional lawyering through the participant's own work.

Presentations

Rule 7. Time and Place.

Presentations will take place in the Corboy Law Center at Loyola University Chicago School of Law in Chicago, Illinois, on Friday, March 23, 2018.

Rule 8. Participants in Presentation.

All three team members must participate during each presentation. The extent of each member's participation is at the discretion of the team, but the Committee recommends that each team attempt to equitably distribute speaking roles among the team.

- (a) Visual Aids. Teams will be permitted, but not required, to use visual aids during their presentation. The Committee will ensure that computers with projectors are available in each presentation room. The computers will be equipped with Microsoft PowerPoint. In the event that a team would like to use PowerPoint to supplement their presentation, **the final PowerPoint presentation must be submitted to health-law@luc.edu by March 19,**

2018, and no changes to the PowerPoint may be made after that date. Each team's PowerPoint presentation will be preloaded onto presentation room computers. PowerPoint submissions will not be distributed to the other teams. Teams are responsible for bringing any other visual aids they wish to use with them on the day of the presentation.

Rule 9. Number of Presentations.

The Competition will be structured to afford each competing team two presentations. The teams earning the top two overall scores (as calculated according to Rule 14: Weight of Memorandum and Presentations) will present once more in the final round.

Rule 10. Time for Presentations.

- (a) Each team will have 30 minutes total to make its presentation. Teams should prepare remarks for the entire 30 minutes. However, the Judges will be asking questions during and throughout each team's presentation.
- (b) A timekeeper will hold up time cards when 10, 5, and 1 minutes(s) remain during the round, and a card indicating "STOP" when time has expired. When the timekeeper calls time, the speaker must inform the Judges that time has expired and must refrain from making any further statements other than requesting time to finish a pending question. The Judges may allow the speaker additional time.
- (c) All issues regarding time will be in the sole discretion of the round Judges, and must be brought to their attention by the team before the score sheets for that round are collected.

Rule 11. Identification Prohibited.

All teams shall at all times refrain from identifying the school they represent to any Judge participating in the Competition prior to or during any round in which such Judge shall participate. Teams will be assigned a number upon registration. Identify the team in the oral presentations by using the number, but first names of participants may be used in the presentation. The Judges shall refrain from inquiring as to the home school of the teams until the results of the round have been announced. Violation of this Rule will be grounds for disqualification at the discretion of the Committee.

Rule 12. Oral Presentation and Feedback.

The Judges will provide feedback to teams upon conclusion of each of their first two oral presentations. Immediately following each presentation, Judges will be allotted 5 minutes to complete oral presentation score sheets. After Judges have

completed their score sheets and the scores have been collected by the Committee, timekeepers will allow teams back into their presentation rooms. At that time, the Judges will offer feedback for approximately 10 minutes.

Upon completion of the final round, Judges will once again have 5 minutes to complete final oral presentation score sheets. After the Judges have completed their score sheets and the scores have been collected by the Committee, Judges will offer feedback for approximately 10 minutes.

Scoring

Rule 13. Scoring; Penalties.

- (a) Memoranda. Judges appointed by the Committee will score all memoranda submitted and will select the winner of the Best Memorandum Award. The scoring will be based on a rubric available in Appendix B.¹ The memorandum score will be used in determining the result of each team's total score in accordance with Rule 14. Any matter tending to identify a team or its members will be excised by the Committee prior to submission to the Judges.
- (b) Oral Presentations. A team of health law practitioners appointed by the Committee (the "Judges") will score each team's oral presentation and will select the winner of the Best Oral Presentation. There will be different Judges in each round of the presentations. Scoring will be based on a rubric available in Appendix C.² Presentation scores will be used in determining the result of each team's total score in accordance with Rule 14. Any matter tending to identify a team or its members will be excised by the Committee prior to submission to the Judges.
- (c) Penalties. The Committee may assess such penalties, including disqualification, as it deems reasonable and appropriate in its sole discretion for failure to comply with these Rules. All memoranda will be subject to uniform penalties for each type of violation, which may be levied in whole or fractional points. The penalty scale for violations of Rule 3 will be in proportion to the overall range of scores of the memorandum being graded.
- (d) Discrepancy in Scoring. Each judge is encouraged to apply their independent judgement in scoring all teams. Similar to the real practice of law, judges will differ in their assessment of memorandum and oral

¹ Appendix B is a general representation of the criteria for judges scoring the memorandum. At the discretion of the Committee, point values may be subdivided to meet specific issues presented by the problem.

² Appendix C is a general representation of the criteria for judges scoring oral presentations. At the discretion of the Committee, point values may be subdivided to meet specific issues presented by the problem.

presentations. Although we will respect each judge's independent evaluation, when there is a significant discrepancy in scoring between two or more judges who viewed the same team's memo or oral presentation, we will explain the variation to the low scoring judge when possible and give him or her an opportunity to amend their score if desired.

Rule 14. Weight of Memorandum and Presentations: Preliminary Round.

The score of the competing teams will be computed by weighing each of the two oral presentations thirty percent (30%) and the memorandum forty percent (40%). The oral presentation score will be determined by the Judges without knowledge of the memorandum grade, and will be arithmetically weighted and combined with the Judges' memorandum score by the Committee under the 30% - 30% - 40% formula of this Rule. This score will be used to determine the top two overall teams. These teams will then present once more in the final round, which will be scored in accordance with Rule 15 below.

Rule 15. Scoring of Championship Round.

The top two teams as determined by the scoring procedures laid out in Rule 14 will each participate in a final oral presentation, which will be open for observation by all teams competing in the preliminary round as well as the general public. The scoring for the championship round will be computed by weighing each team's preliminary score (as described in Rule 14) fifty percent (50%) and the championship round oral presentation score fifty percent (50%). The championship round oral presentation score will be determined by the Judges without knowledge of the preliminary round scores, and will be arithmetically weighted and combined with the preliminary score under the 50% - 50% formula of this rule. This score will be used to determine the Overall Champion.

Rule 16. Results.

Results of the Competition will be announced by the Committee after all presentations are completed. Competitors will be provided with summary score information within 2 weeks after the competition.

Rule 17. Awards.

The Competition will recognize the Best Oral Presentation, which will be awarded to the team with the highest average presentation scores at the end of the two rounds. The Competition will also recognize the Best Memorandum based on the Judges' scoring. Finally, the Competition will recognize an Overall Champion, which is the team with the highest weighted overall score as discussed in Rule 15.

PART III. OTHER RULES

Rule 18. “Scouting” Prohibited.

No team member or faculty advisor for any team may observe any round of the oral presentations not involving such team.

Rule 19. Oral Presentation Viewing: Preliminary Rounds

Family members, guests, students, advisors and the general public will be allowed to watch preliminary oral presentations, but will not be allowed to enter and/or leave the room while the presentation is in progress except in the case of an emergency.

Rule 20. Oral Presentation Viewing: Final Round

All competition members as well as family members, guests, students, advisors and the general public will be invited to observe final round oral presentations, but, as a courtesy, will be asked not to enter and/or leave the room while the presentation is in progress except in the case of an emergency.

In addition to the Rules herein set forth, the Committee may make any other rules and procedures it deems advisable. Participants will be advised promptly of any amendments or corrections of these Rules.

Requests for interpretation of these Rules or the problem may be addressed by e-mailing the Committee at the addresses listed below. Interpretations shall be issued by the member of the Loyola University Chicago School of Law faculty or staff in charge of the competition and shall be final and binding on all competitors. Any interpretations shall be in writing and sent to all competitors.

The faculty member in charge of this year’s competition is:

Lawrence E. Singer

Director, Beazley Institute for Health Law and Policy
Associate Dean of Distance Learning
Associate Professor
lsinger@luc.edu

Questions can also be emailed to health-law@luc.edu.

APPENDIX A

TEAM CERTIFICATION

We hereby certify that the memorandum for _____
Law School is the product solely of the undersigned and that the undersigned have not
received any specific faculty or other assistance in connection with the preparation of this
memorandum other than as permitted by Rule 6.

Team Member's Name

Team Member's Name

Team Member's Name

APPENDIX B

MEMORANDUM RUBRIC

2018 NATIONAL HEALTH LAW TRANSACTIONAL COMPETITION

Official Ballot - Memorandum

TEAM #: _____

JUDGE NAME: _____

The participants' memorandum is graded on a scale of 0 to 100 points. Scores may exceed 100 points. Your judging should be independent. Scoring should not be affected by your personal views. If there is a large discrepancy in scoring between two or more judges who reviewed the same memo, we will explain the variation to the low scoring judge and give him or her the opportunity to amend their score if desired.

The total score will be based on the following criteria:

SUBSTANCE

The substance of each memo will be evaluated based on four questions that are listed at the end of the competition problem. For each substantive question, points will be awarded as follows:

Question 1: 0-20 points

Question 2: 0-15 points

Question 3: 0-20 points

Question 4: 0-25 points

Sub-score: (0-80)_____

FORM

The form of each memo will be evaluated based on writing style, grammatical correctness, completeness of answer, and organization. The form of the memo will account for 0-20 points.

Sub-score: (0-20)_____

DISCRETIONARY BONUS

A judge may, but need not, award up to 10 bonus points for an exemplary or outstanding demonstration of legal skill or acumen not otherwise addressed by the grading criteria listed above.

Comments:

APPENDIX C

ORAL PRESENTATION RUBRIC

2018 NATIONAL HEALTH LAW TRANSACTIONAL COMPETITION

Extended Guidelines for Judges - Oral Presentation

Your judging should be independent. Scoring should not be affected by your personal views. Instead, it should be based solely on the speakers' presentation skills. Additionally, other judges around you should not influence your scoring. In this regard, you are encouraged to discuss a team's performance with the other judges, but your scoring should still remain independent. If there is a large discrepancy in scoring between two or more judges who reviewed the same oral presentation, we will explain the variation to the low scoring judge and give him or her the opportunity to amend their score if desired.

The point differential on the official ballot is **highly important** because cumulative margin of victory determines the winner of the competition. Therefore, if one team is clearly better or worse than the other, the scoring should clearly reflect that fact.

The total cumulative score for each counsel should range between extremely poor (0-50) and exemplary (100 is a perfect—you would not expect anyone to have done better). 75 is average.

Evidence of Research; Knowledge of the Problem, Issues and Law; Organization and Reasoning (maximum 50 points)

1. Does counsel provide a clear road map and well organized presentation?
2. Does counsel give a broad but brief overview of the factual backdrop?
3. Does counsel have a thorough knowledge of the problem? Is counsel able to direct you to important language?
4. Does counsel emphasize the important issues addressed in the problem?
5. Does counsel demonstrate an understanding of the ramifications and interconnectedness of advice given?
6. Are counsel's explanations clear and direct?
7. Are the issues firmly fixed in the Judge's minds when counsel leaves the room?

Ability to Answer Questions (maximum 20 points)

1. Is counsel responsive to questions rather than evasive or repeatedly unable to give an answer? (Deferring to one's partner is permissible where such a question involves the other team member's portion of the presentation, but if that person fails to answer the question, then the latter may be penalized at your discretion).
2. Is counsel able to answer a question with authority, either theoretically or with citations to relevant statutes, regulations, and case law?
3. Is counsel able to fit relevant questions into his or her overall analysis?

4. Is counsel able to continue his or her presentation following a question?
5. Is counsel candid about weak points in his or her proposal?

Forensic Performance/ Boardroom Demeanor (maximum 20 points)

1. Does counsel use correct grammar, timely emphasis, and effective pauses?
2. Is counsel's voice clear rather than inaudible or difficult to understand?
3. Does counsel have proper volume, loud but not overbearing?
4. Does counsel use "ahs," "ers," "ums" or other distracting sounds?
5. Is counsel trying to be helpful to the Judges?
6. Does counsel have distracting non-verbal mannerisms?
7. Does counsel maintain good eye contact?
8. Does counsel know his or her presentation or does he or she refer excessively to notes or read a prepared text?
9. Does counsel maintain professionalism throughout the presentation?

Team Synergy (maximum 10 points)

1. Do counselors operate as a cohesive unit rather than individuals?
2. Do counselors smoothly transition from one speaker to the next?
3. Does the time between the speakers appear to be equally distributed?
4. Do the counselors step in to help each other as appropriate, if necessary?