

**2008 TEXAS AND FIFTH CIRCUIT  
BANKRUPTCY MOOT COURT  
EVENT**

**\*\*\*ELLIOTT CUP\*\*\***

**Sponsored By**

**BANKRUPTCY SECTION  
STATE BAR OF TEXAS**

# OVERVIEW

## **TEXAS/FIFTH CIRCUIT BANKRUPTCY MOOT COURT EVENT—2008 ELLIOTT CUP**

The third annual Texas/Fifth Circuit Bankruptcy Moot Court Event for the 2008 Elliott Cup is scheduled for *Saturday, February 23, 2008*. The event is sponsored by the Bankruptcy Section of the State Bar of Texas (“Bankruptcy Section”). The event is named in honor of the late Joseph C. Elliott, U.S. Bankruptcy Judge for the Western District of Texas.

This year, the Elliott Cup event has been expanded to include law schools in the entire Fifth Circuit, as well as Texas. The Elliott Cup event is designed to serve as a formal practice for Texas and Fifth Circuit law school teams that are registered to compete in the Duberstein Moot Court Competition at St. John’s University School of Law in New York City in March 2008 (“2008 Duberstein Competition”). The Elliott Cup event is not an elimination round for the 2008 Duberstein Competition. To be eligible for the Elliott Cup event, each team must certify that it (i) is registered for the 2008 Duberstein Competition and (ii) will participate in the 2008 Duberstein Competition. The fact pattern and case for the Elliott Cup event is the same as that used in the 2008 Duberstein Competition. Briefs submitted for the Elliott Cup event will be the same briefs submitted by the participating teams for the 2008 Duberstein Competition. Any eligible law school may enter one or two teams in the Elliott Cup event. Every team will argue in two preliminary rounds, and the two highest scoring teams will argue in the final round.

Awards will be given at the Elliott Cup event, which will include a trophy (the Elliott Cup) for the first place team, and awards for the second-place team and the best oral advocate. Rounds will be judged by prominent bankruptcy practitioners and judges, and teams will receive constructive input from the judges following each round. Briefs will not be scored in the Elliott Cup event.

The 2008 Elliott Cup will be held this year at the U.S. Courthouse in Dallas, Texas. The Southern Methodist University Dedman School of Law will act as the host school. A Team Dinner, with awards presentation, will follow that Saturday night. The Bankruptcy Section will make available up to \$1,000 per Texas law school traveling to the Elliott Cup event to assist in defraying travel and lodging costs. No participation or registration fee is required.

To be part of the 2008 Elliott Cup, please review the attached information and Official Rules, complete the attached Application, and return the Application electronically or by facsimile to H. Christopher Mott, [cmott@gordonmottpc.com](mailto:cmott@gordonmottpc.com), Gordon & Mott P.C., 4695 N. Mesa St., El Paso, Texas 79912, fax no. 915-545-4433, Tel. 915-545-0888 by the following deadline:

**Deadline for Entry: December 6, 2007**

Return Application to: [cmott@gordonmottpc.com](mailto:cmott@gordonmottpc.com)  
or H. Christopher Mott, fax no. 915-545-4433

# APPLICATION FORM

## TEXAS/FIFTH CIRCUIT BANKRUPTCY MOOT COURT EVENT – 2008 ELLIOTT CUP

Name of School: \_\_\_\_\_

Contact person: \_\_\_\_\_

Contact address, phone and email: \_\_\_\_\_

No. of teams (circle one):            1            2

No. of attending persons (including team members, faculty and advisors): \_\_\_\_\_

The undersigned certifies that the foregoing team(s) (i) are registered for the Duberstein Moot Court Competition to be held in March 2008 at St. John's University School of Law ("2008 Duberstein Competition"); and (ii) will attend and participate in the 2008 Duberstein Competition.

Dated: \_\_\_\_\_, 2007

\_\_\_\_\_  
Name of Representative

**PLEASE RETURN THIS APPLICATION FORM ELECTRONICALLY OR BY FAX**

**NO LATER THAN DECEMBER 6, 2007 to**

H. Christopher Mott

[cmott@gordonmottpc.com](mailto:cmott@gordonmottpc.com)

fax no. 915-545-4433

## TEAM CHECKLIST

### TEXAS/FIFTH CIRCUIT BANKRUPTCY MOOT COURT EVENT – 2008 ELLIOTT CUP

- ◆ Each school must submit a completed Application form electronically or by fax to H. Christopher Mott, [cmott@gordonmottpc.com](mailto:cmott@gordonmottpc.com), fax no. 915-545-4433 by **December 6, 2007**
  
- ◆ Each team must make its own hotel reservations. A limited block of rooms is available at a special rate of \$119 per night (two beds) at the Magnolia Hotel (walking distance to Courthouse). Due to the limited number of rooms, teams should make their hotel reservations with the Magnolia ***as soon as possible*** and in any event prior to **January 25, 2008** to obtain this rate. When making a reservation at the Magnolia, call tel. 1-888-915-1110, and mention the State Bar of Texas/Elliott Cup, to receive this special rate.
  
- ◆ Each team must submit its brief for the Elliott Cup (the same brief submitted by the team for the 2008 Duberstein Competition) and the completed Team Information Sheet, in electronic pdf format, to [cmott@gordonmottpc.com](mailto:cmott@gordonmottpc.com) by **February 5, 2008**
  
- ◆ Each school must make its own travel reservations. Plan to arrive by Friday, February 22, 2008 and attend the Welcoming Cocktail Reception/Team Check-In from 6 pm to 8 pm. The competition day is Saturday, **February 23, 2008**. The Team Dinner, with awards presentation, is Saturday night, February 23, 2008. Travel and hotel accommodations are at your school's expense.

**AGENDA-2008 ELLIOTT CUP\***  
**TEXAS/FIFTH BANKRUPTCY MOOT COURT EVENT**

**Friday, February 22, 2008**

- Official Hotel                      Magnolia Hotel - Downtown  
    1401 Commerce Street  
    Dallas, Texas 75201
- 6:00 p.m. – 8:00 p.m.              Welcoming Cocktail Reception and Team Check-In  
    Cox Smith Matthews Incorporated - Downtown  
    1201 Elm Street, 33<sup>rd</sup> Floor  
    Dallas, TX 75207

**Saturday, February 23, 2008**

- 8:30 a.m.                              Late Team check-in – U.S. Courthouse (Earle Cabell  
    Building), 1100 Commerce Street, Dallas, Texas
- 9:00 a.m.                              First Preliminary Round (all teams) – U.S. Courthouse (Earle  
    Cabell Building), 1100 Commerce Street, Dallas, Texas
- 11:00 a.m.                              Second Preliminary Round (all teams) – U.S. Courthouse  
    (Earle Cabell Building), 1100 Commerce Street, Dallas,  
    Texas
- 1:00 p.m.                              Lunch (on your own)
- 3:00 p.m.                              Announcement of two teams to participate in Final Round –  
    U.S. Courthouse (Earle Cabell Building), 1100 Commerce  
    Street, Dallas, Texas
- 3:30 p.m. – 5:00 p.m.              Final Round – U.S. Courthouse (Earle Cabell Building), 1100  
    Commerce Street, Dallas, Texas
- 7:00 p.m. – 10:00 p.m.              Team Dinner, with awards presentation  
    Tower Club – Downtown  
    Thanksgiving Tower  
    1601 Elm Street, 48<sup>th</sup> Floor  
    Dallas, Texas 75201

\*Agenda is subject to change

# TEAM INFORMATION SHEET

## TEXAS/FIFTH CIRCUIT BANKRUPTCY MOOT COURT EVENT—2008 ELLIOTT CUP

(Please Print)

(if more than one team is entered by a law school,  
please complete a separate Information Sheet for each team)

### Primary contact information for all official competition communication:

School Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Address: \_\_\_\_\_

Tel. No. (office and mobile): \_\_\_\_\_

### Contact Information for Team Members:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Mobile Ph: \_\_\_\_\_

(for contact during competition)

### Contact Information for Coaches/Advisors traveling with the team:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Mobile Ph: \_\_\_\_\_

(for contact during competition)

**Name of Dallas Hotel** \_\_\_\_\_

**Number planning to attend Cocktail Reception on Friday night:** \_\_\_\_\_

**Number planning to attend Team Dinner on Saturday night:** \_\_\_\_\_

**PLEASE RETURN THIS INFORMATION SHEET ELECTRONICALLY OR BY FAX  
NO LATER THAN FEBRUARY 5, 2008 to**

H. Christopher Mott  
[cmott@gordonmottpc.com](mailto:cmott@gordonmottpc.com)  
Fax no. (915) 545-4433

**OFFICIAL RULES**

**2008 TEXAS AND FIFTH CIRCUIT  
BANKRUPTCY MOOT COURT  
EVENT**

**\*\*\*ELLIOTT CUP\*\*\***

**Sponsored By**

**--BANKRUPTCY SECTION--  
STATE BAR OF TEXAS**

**TEXAS/FIFTH CIRCUIT  
BANKRUPTCY MOOT COURT EVENT--ELLIOTT CUP**

**OFFICIAL RULES—2008 EVENT**

**ORGANIZATION OF THE EVENT**

The Texas/Fifth Circuit Bankruptcy Moot Court Event for the 2008 Elliott Cup (“Event”) is sponsored by the Bankruptcy Section of the State Bar of Texas (“Section”). The Event is named in honor of the late Joseph C. Elliott, United States Bankruptcy Judge, Western District of Texas.

**I  
QUALIFICATIONS/NATURE OF EVENT**

Any accredited law school located in the State of Texas or the Fifth Circuit may enter one or two teams to participate in the Event. Each team that participates in the Event must certify that it: (i) is registered for the Duberstein National Bankruptcy Moot Court Competition at St. John’s University Law School to be conducted in March 2008 (“2008 Duberstein Competition”); and (ii) will attend and participate in the 2008 Duberstein Competition. The Event is designed to serve as a formal practice for Texas and Fifth Circuit law schools that are registered to compete in the 2008 Duberstein Competition. The Event is not an elimination round for the 2008 Duberstein Competition.

**II  
TEAMS**

**A. Number and Composition of Teams**

Each participating school may enter one or two teams, composed of two or three students each. All team members must be full-time day or evening students, attending the school that they represent at the time of the competition.

**B. Substitution of Team Members**

There shall be no substitution of team members after the submission of the brief, except upon prior written permission of the Section or Chairperson of the Elliott Cup.

### **III BRIEFS**

#### **A. Submission of Briefs**

Briefs submitted for the Event will be the same briefs submitted by the team for the 2008 Duberstein Competition. All briefs must be submitted electronically (in pdf format) to H. Christopher Mott, at [cmott@gordonmottpc.com](mailto:cmott@gordonmottpc.com) by February 5, 2008. Briefs submitted for the Event will remain confidential until the briefs are made publicly available in the 2008 Duberstein Competition.

#### **B. Purpose of Briefs**

Briefs will not be scored for the Event. The primary purpose of the briefs is to educate the judges for the Event.

### **IV ARGUMENTS**

#### **A. Rounds**

- (1) **In General.** Each team shall argue in two preliminary rounds on alternating sides. The two teams with the highest mean (average) score in the preliminary rounds will advance to a final round.
- (2) **Pairing of Teams.** Pairing in the preliminary rounds shall be chosen randomly; provided, efforts will be made so that teams from the same school will not face each other in preliminary rounds.
- (3) **Time and Place.** Oral arguments for the preliminary and final rounds for the 2008 Elliott Cup will take place at the U.S. Courthouse (Earle Cabell Building), 1100 Commerce Street, Dallas, Texas.

#### **B. Announcement of the Winning Team**

The team winning the Elliott Cup shall be announced at the Team Dinner.

#### **C. Scoring**

The scores for each round shall be based on oral argument.

#### **D. Length of Arguments**

Each team is limited to thirty (30) minutes of oral argument. Two (2) team members will argue in each round. The division of the thirty (30) minutes allotted for the argument may be made at the discretion of the team; however, no team member may be apportioned fewer than ten (10) minutes. Petitioner may reserve up to three (3) minutes of rebuttal time prior to the commencement of the argument. Teams that

reserve rebuttal shall notify the judges or bailiff of how to deduct rebuttal time. Time reserved for rebuttal shall be counted as part of the thirty (30) minutes allotted for the argument. Judges reserve the right to allow for additional time at their discretion.

**E. Best Oral Advocate**

The competitor with the highest mean (average) score for oral argument during the two preliminary rounds will be chosen best oral advocate. A competitor must argue twice in order to be considered for the best oral advocate award. The winner of the best oral advocate award will be announced at the Team Dinner.

**V**  
**OTHER RULES**

**A. Attending Other Arguments**

No team member, coach or faculty advisor of a team participating in the Event may attend an argument of any other team during the preliminary rounds. The number of attendees to each argument is limited to the competing team members, their families, two coaches or two faculty advisors. All participants may attend, and are strongly encouraged to attend, the final round.

**B. Communication During Round**

There shall be no communication in any form from any member of the audience, including other team members sitting in the audience, once a round has begun.

**C. Penalties/Amendments**

The Section and Chairperson of the Elliott Cup may assess such penalties, including disqualification, as it deems reasonable and appropriate for failure to comply with the foregoing rules. Any decisions, penalties or other actions taken by the Section or Chairperson shall be final and binding on all participants. The Section and Chairperson of the Event reserves the right to make and implement any further rules and procedures deemed advisable for the conduct of the Event.

Contact information for Chairperson of 2008 Elliott Cup:

H. Christopher Mott  
Gordon & Mott P.C.  
4695 N. Mesa St.  
El Paso, TX 79912  
Email: [cmott@gordonmottpc.com](mailto:cmott@gordonmottpc.com)  
Fax no. 915-545-4433  
Business phone: 915-545-0888  
Mobile phone: 915-539-4440