

**BEF National Moot Court Competition**  
**Clarifications and Responses to Competitor Questions**  
**September 2, 2024**

1. When will we receive our anonymous team identifier (team number)?

Response: By the end of the day on Friday, September 6.

2. When will teams receive the survey to confirm their team members' and coaches' names and email addresses?

Response: By the end of the day on Wednesday, September 11.

3. Regarding certification, the rules indicate the submission of a brief constitutes certification of compliance with the rules. Does the brief still require a page indicating certifications of compliance or certification of service?

Response: The brief does not require a separate certification sheet/page. The act of submission is the certification.

4. I am writing for clarification about the meaning of "student team member" for the purposes of the BEF Competition. Our team is comprised of two student competitors and two student coaches, and the student coaches are confused as to whether they are considered student team members or not for purposes of assistance with the brief. We want to make sure we fully understand and comply with the competition rules and look forward to your clarification.

Response: Coaches, whether students or faculty, are not team members and, therefore, may not assist on the brief. Student coaches, as with faculty coaches, may assist only with oral argument preparation.

5. Are we permitted to use Lexis Legal Research, just not the "AI Assistant" feature/tab, correct? The "Legal Research" tab displays the new "Lexis + AI" logo in the top left corner.

Response: The Lexis+ AI logo on the screen does not mean that AI is involved in each search or action. As you noted, the AI Assistant is a separate feature or tab in Lexis+ that users must choose to engage. Competitors may still research using the regular tools on Lexis+. To comply with the Competition Rules, however, competitors must not use the AI Assistant feature.

6. The rules state that we should omit the statement of jurisdiction. Does this section need to be entirely removed or do we need to include language accounting for waiver in accordance with the rules?

Response: Competitors should completely omit the statement of jurisdiction.

7. For footnote 13 on page 17, are the two cases: Dept. of Educ. v. Louisiana and Cardona v. Tennessee excluded from the universe of cases?

Response: The cases are not excluded from the universe of cases. This is an open-universe problem. The footnote states only that the orders recently issued in these cases are not dispositive or controlling on the issues presented in the problem.

8. Are we expected to address the Department of Education's interpretation of Title IX?

Response: As noted in response to question #7 above, this is an open-universe problem. Each team must determine which authorities to use and/or which arguments to make in support of its position.

9. Are we allowed to choose the order of the issues in our brief, or do we need to follow the order of the issues as outlined in the granted cert petition?

Response: Parties should address the issues in the order provided in the order granting certiorari.

10. How do you want us to cite to the 14th Cir. Court of Appeals case? Is it published or unpublished?

Response: The citation to the Fourteenth Circuit opinion is: *A.J.T. v. North Greene Bd. of Educ.*, 2024 WL 98765 (14th Cir. 2024). Citations to the Circuit Court's or District Court's

opinion may be to either the Record on Appeal pages or their WL citations. If the WL citation is used, then the Record page number should be used as the WL star number.

11. What does it mean that briefs must be bound on the left?

Response: That provision would have applied if teams were submitting hard copies of their briefs, but given that the briefs are being submitted electronically, this requirement does not apply and should be ignored.

12. Can the competition provide a brief scoring rubric?

Response: Yes, a brief scoring rubric will be provided by the end of the day on Friday, September 6.

13. In the Save the Women's Sports Act does "secondary school" include all middle schools? Is it fair to assume elementary schools are excluded from the act?

Response: "Secondary school" includes middle through high schools. Elementary schools are not included.

14. Has A.J.T legally changed her name and gender on her birth certificate?

Response: The Record on Appeal is silent on this issue.

15. Did the school in the problem receive federal financial assistance at the time the issue arose (when the petitioner was allegedly excluded from sports participation)?

Response: Yes, the school received federal financial assistance at all relevant times and is subject to Title IX.

16. At what year and age did A.J.T publicly come out as a girl? In general, can you be clearer on her age and transition timeline?

Response: Please refer to the facts in the Record on Appeal, which provides the only information available on this point.

17. When was the initiation of this lawsuit for purposes of determining the age of A.J.T., who was said to be eleven years old at the time of filing?

Response: Please refer to the facts in the Record on Appeal, which provides the only information available on this point.

18. Is the North Greene Save Women's Sports Act codified in its entirety as North Greene Code § 22-3-4? Said differently, is the North Greene Women's Sports Act codification also inclusive of North Greene Code §§ 22-3-15 to -16?

Response: The citation for the Bill as codified should have read "codified as North Greene Code § 22-3-4 et seq." Consequently, all of the statutory provisions quoted and cited in the Record on Appeal are part of the "Save Women's Sports Act."

19. In keeping with 34 C.F.R. § 106.41(b), are the volleyball and cross-country teams at issue sex-separate sports where selection for such teams is based upon competitive skill or the activity involved is a contact sport?

Response: The school categorized the volleyball and cross-country teams as sex-separate sports designated for females, women, or girls where selection is based upon competitive skill or the activity involved is a contact sport. The school did not specify whether it considered selection to be based upon competitive skill, the contact nature of the sport, or a combination of the two.

20. Under the "Save Women's Sports Act" at issue in the problem, who designates or decides whether a student can join a sports team or sport? The problem states that the school notified A.J.T. that she could not join the girls' volleyball and cross-country teams because of the new statute. Did the school make that decision or just notify her of the decision?

Response: An administrator at each school is responsible for compliance with the Save Women's Sports Act.

21. Is the entirety of the statute included in the Circuit Court's decision, or are there sections of the statute that are not included?

Response: All pertinent sections of the Save Women's Sports Act are included in the Record on Appeal.