

**THE 2022 PHILIP C. JESSUP INTERNATIONAL LAW  
MOOT COURT COMPETITION**

**OFFICIAL RULES**

**THE OFFICIAL RULES  
OF  
THE 2022 PHILIP C. JESSUP INTERNATIONAL LAW  
MOOT COURT COMPETITION**

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## PREAMBLE

*The International Law Students Association,*  
*Seeking to educate students and lawyers around the world about the principles and significance of international law,*  
*Encouraging the development of professional skills in written and oral advocacy,*  
*Promoting the social responsibility of law students and lawyers,*  
*Striving to foster international understanding and cooperation,*  
*Being committed to achieving these goals in an environment of mutual respect among all of the individuals and Teams involved;*  
*Celebrating the diversity of the nations and cultures brought together in the global event that is the Jessup Competition;*  
*Calling upon everyone engaged in the Jessup Competition to abide by its Official Rules, the rules of any institution hosting a Competition event, and the laws of the host jurisdiction,*  
*Adopts the following Official Rules for the 2022 Competition by resolution of the Board of Directors:*

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## DEFINITIONS

The following terms as used in these Rules have the corresponding meanings.

“Administrator” means, with respect to a Qualifying or Friendly Round the person appointed to administer that competition by the Executive Director, and in relation to the International Rounds, the Executive Director or any person to whom the Executive Director has delegated authority with respect to a particular task.

“Advanced Rounds” means the set of Matches which form the second stage of the International Rounds where each Team which qualifies (under Rule 9.7) competes against four other Teams, twice as Applicant and twice as Respondent.

“Applicant” means the side of the Team arguing on behalf of the Applicant state at any given point in the Competition.

“Bench Memorandum” means the memorandum of law and authorities concerning the Competition Problem prepared by the Executive Office for the exclusive use of Competition judges, as described in Rules 2.14 and 4.7.

“Competition” means the 2022 Philip C. Jessup International Law Moot Court Competition.

“Competition Problem” means the official Problem of the Competition as supplemented, corrected, or clarified.

“Competition Year” means the period starting on the date of the release of the Competition Problem and ending at the conclusion of the International Rounds.

“Corrections and Clarifications” means the official corrections and clarifications to the Problem, as published pursuant to Rule 2.16.

“Elimination Rounds” means, all of the applicable Championship Round, Semifinal Round, Quarterfinal Round, Octofinal Round, Round of 32 conducted at a National, Regional, Friendly, or International Rounds.

“Executive Director” means the Executive Director of the International Law Students Association, or any person to whom the Executive Director has delegated authority with respect to a particular task.

“Executive Office” means the Executive Office of the International Law Students Association.

“Friendly Round” means a Round, which occurs prior to the International Rounds, among Teams from multiple nations or a geographic region(s), approved by the Executive Director in accordance with Rule 1.4.

“International Rounds” means the Preliminary, Advanced and Elimination Rounds, conducted online, involving all eligible Teams.

“In-Person Moot” means a Moot at which the judges and the Teams are all present in the same room.

“Jurisdiction” means a country, nation, region or jurisdiction which is recognized by the Executive Director for the purposes of the Competition.

“Match” means a single competitive pairing involving one Applicant and one Respondent, and includes a judged Moot and comparison of the Memorial scores of the Teams.

“Memorial” means the written pleadings of each Team, written and submitted pursuant to these Rules.

“Moot” means a single oral presentation between two Teams, one representing Applicant and one representing Respondent, whether an In-Person Moot or an Online Moot as described in Rules 6 and 7, respectively.

“National Round” means any Round administered with the approval of the Executive Director through which a Jurisdiction determines the Team(s) that will advance to the International Rounds.

“Official Schedule” means the official timetable of the Competition, setting forth all relevant events and deadlines associated with the Competition.

“Online Moot” means a Moot conducted entirely over the internet with the judges and each Team being remote from one another.

“Penalty” means the consequence of a Rules violation, pursuant to Rule 11.

“Preliminary Rounds” means a set of Matches which form the first stage of each Qualifying, Friendly, and the International Rounds where each Team competes against four other Teams, twice as Applicant and twice as Respondent.

“Qualifying Round” means any Round administered with the approval of the Executive Director which is determinative of which teams from any Jurisdiction or region will advance to the International Rounds. Qualifying Rounds will be designated as a “National Round” or “Regional Round” as appropriate.

“Regional Round” means any Round administered with the approval of the Executive Director in a geographic region through which a Jurisdiction determines the Team(s) that will advance to the International Rounds.

“Representative” means a Team selected to represent its Jurisdiction at the International Rounds, whether by Qualifying Rounds or by other means.

“Respondent” means the side of the Team arguing on behalf of the Respondent state at any given point in the Competition.

“Round(s)” means a Friendly Round, a Qualifying Round (whether a National Round or a Regional Round), or the International Rounds as the context dictates.

“Rules” means these Official Rules of the Competition.

“Rules Supplement” means a set of rules promulgated by an Administrator, with the approval of the Executive Director, to supplement or modify the Official Rules for purposes of a Qualifying or Friendly Round.

“Team” means a team of eligible students recognized by the Executive Office that registers to compete in the Competition, pursuant to Rule 2.

“Team Advisor” means an individual, such as a coach or advisor, who at any time during the Competition Year has responsibility for organizing, advising, or training a Team, whether or not a member of the faculty of the institution represented by the Team.

“Team Homepage” means the personalized homepage available to each Team on the ILSA Website. To access the Team Homepage, Team Members must go to <https://www.ilsa.org/jessup-competitors/>.

“Team Number” means the official 3-digit number assigned by the Executive Office to each fully registered and paid Team in accordance with Rule 3.5.

“Team Member” means any eligible student who is registered as a competitor on behalf of a Team.

## **OFFICIAL RULE 1: ORGANIZATION OF THE COMPETITION**

### **1.1 Administration**

The Competition is presented annually by the International Law Students Association (ILSA), and is administered by the Executive Director. The Executive Office is located at 701 13<sup>th</sup> Street NW (12<sup>th</sup> Floor), Washington, DC 20005, U.S.A., tel: +1 (202) 729-2470, fax: +1 (202) 639-9355, email: [jessup@ilsa.org](mailto:jessup@ilsa.org). All materials developed by ILSA for the Competition, including, without limitation, the Official Rules and the Competition Problem, are the sole property of ILSA. These materials may not be reproduced for any purpose other than participation in or administration of the Competition without the express and prior written consent of the Executive Director. In addition, all Memorials become the sole property of ILSA, and may not be republished without its express consent.

### **1.2 Structure of the Competition**

The Competition consists of two levels: (1) Qualifying Rounds, and (2) the International Rounds. Qualifying Rounds are held in each Jurisdiction where more than one Team participates in the Competition. The International Rounds represent the final level of the Competition.

- (b) The number of Representatives from each Jurisdiction shall be determined as follows:
  - (i) a number at least equal to the number of Teams that submit memorials in that jurisdiction divided by six, rounded to the nearest whole number; and
  - (ii) an additional Team for each Jurisdiction where at least one Team advanced to the Elimination Rounds of the immediately preceding year's International (or Global) Rounds.
- (c) In a jurisdiction where only one Team registers, that Team is the National Representative to the International Rounds.
- (d) The Executive Director may permit such additional Teams to participate in the International Rounds as the Executive Director determines to be in the best interests of the Competition.

### **1.3 Establishment of Qualifying Rounds**

If more than one Team registers from a particular Jurisdiction, the Executive Director will inform all such Teams that a Qualifying Round will be necessary to determine which Team(s) will advance to the International Rounds. The National Representative(s) at the International Rounds will be designated subject to Rule 1.2(b).

#### **1.4 Friendly Rounds**

The Executive Director may, in his or her sole discretion, authorize the holding of one or more Friendly Rounds. A team is eligible to apply to participate in a Friendly Round if it is from a Jurisdiction in which only one Team is registered. A Team may only compete in one Friendly Round in the same Competition Year. In authorizing a Friendly Round, the Executive Director shall make or approve a Rules Supplement that shall include which Teams are eligible to participate in the competition and how the competition is to be administered and conducted.

#### **1.5 Organization of Rounds**

(a) The 2022 International Rounds shall be conducted entirely online in accordance with Rule 7, subject to any additional measures promulgated by the Executive Director under Rule 1.8 or interpretations under Rule 1.9.

(b) Qualifying and Friendly Rounds shall be conducted in a manner determined by the Administrator in consultation with the Executive Director. In-Person Moots shall be conducted in accordance with Rule 6, and shall be held if doing so is in compliance with local public health laws, regulations and guidance. Online Moots shall be held in accordance with Rule 7. Rounds shall be subject to any Rules Supplement adopted for that Round in accordance with Rule 1.7.

#### **1.6 Administrators**

(a) Where the Executive Director has appointed an Administrator for a Qualifying or Friendly Round, the Executive Director will inform Teams of the name and contact information of the relevant Administrator as soon as practicable. The Administrator will designate whether the Qualifying or Friendly Round is to be conducted in-person or online, the date, and where appropriate the location for the Round. The Administrator will conduct the Qualifying or Friendly Round in a manner consistent with these Rules and in consultation with the Executive Director. Administrators will choose a date within the period allocated by the Official Schedule for Qualifying and Friendly Rounds.

(b) An Administrator may not serve as a Team Advisor or in any other way assist a Team registered in his or her Qualifying or Friendly Round. An Administrator may not act as a judge in his or her Qualifying or Friendly Round, unless necessary to satisfy Rule 6.3 and Rule 7.3, and provided that Teams to be judged by the Administrator provide their consent.

#### **1.7 Rules Supplements**

(a) Administrators are encouraged to formulate a Rules Supplement for their Qualifying or Friendly Round.

(b) An Administrator shall submit a Rules Supplement to the Executive Office for approval as soon as practicable but no later than four weeks prior to the commencement of the Qualifying or Friendly Round. Rules Supplements must be submitted to and approved by the Executive Director before they may be adopted and enforced by an Administrator.

(c) Upon approval of a Rules Supplement, it shall be published on the Jessup website, and the Administrator shall immediately notify every affected Team that a Rules Supplement has been approved and adopted.

### **1.8 Power to Promulgate Additional Measures**

(a) The Executive Director may promulgate any other measures for the orderly conduct of the Competition or to correct deficiencies in the Competition. In particular, it is anticipated that additional measures will be adopted either when Team Registration has been completed or the digital platform to be utilized for the International Rounds has been finalized.

(b) After the Executive Office has approved a Rules Supplement pursuant to Rule 1.7, Administrators may, in consultation with and upon prior approval of the Executive Director, promulgate additional rules, modifications, or other measures for the orderly conduct of the Qualifying or Friendly Round. Any proposed additional rules, modifications or other measures shall be submitted to the Executive Office as soon as practicable for approval in accordance with Rule 1.7 and, once approved, codified by the Administrator in the Rules Supplement and posted to the Jessup website.

### **1.9 Interpretation of Rules**

The Executive Director shall serve as final arbiter of implementation and interpretation of these Rules and of all Rules Supplements and additional measures.

## **OFFICIAL RULE 2: PARTICIPATION AND ELIGIBILITY**

### **2.1 Institutional/Team Eligibility**

(a) All educational institutions offering a degree, or similar graduate or postgraduate qualification or training, in law or in a field related to international law, or in international relations, are eligible to participate in the Competition. All determinations of eligibility are in the discretion of the Executive Director.

(b) Each institution may enter one Team, regardless of the number of colleges, departments, faculties, or schools within that institution, and the Team may include students from one or more of its colleges, departments, faculties, or schools (for example, by allowing a student in an international relations program to

compete on the Team with students from its law faculty). However, a duly authorized officer of an institution may petition the Executive Director, in writing and prior to the start of the Competition Year, to allow the participation of more than one Team from that institution. Additional Teams may be allowed if it is established that each such Team fulfills the participation and registration requirements of these Rules, and one of the following conditions is met: (i) an intramural competition or other Team selection process would be difficult or impossible to hold due to the institution's regulations, calendar, geographic location(s), or other circumstances (apart from circumstances arising from the existence of the COVID-19 pandemic) beyond the control of the institution or participating Teams; or (ii) the Teams represent different colleges, faculties, branches, departments, or campuses of the same institution and will be participating independently of each other.

(c) An institution located in one jurisdiction (the "home jurisdiction") that has a permanent physical campus in another jurisdiction (the "foreign jurisdiction"), and that wishes to register a Team in the foreign jurisdiction, must petition the Executive Director in writing. The Executive Director may consult with the Administrator in the home and foreign jurisdictions, and request additional information from the petitioning school. The Executive Director may then grant or withhold permission to enter such Team in the best interests of the Competition, and may grant permission subject to conditions (for example, a requirement that all Team members be enrolled full time at the foreign campus).

(d) Institutions that have outstanding debts for fees or other Competition obligations are not eligible to compete in the Competition until such fees have been paid or obligations have been satisfied.

## **2.2 Team Composition**

(a) A Team may be composed of two to five Team Members who shall be the only individuals contributing to the work product of the Team over the course of the Competition Year. Substitutions of Team Members must be made in accordance with Rule 3.6. Replacement or addition of Team Members may only be made in accordance with Rule 3.6. Permission from the Executive Director is not required to remove one or more Team Members (without substitution).

(b) Participating institutions and individuals are not permitted to use the current year's Competition Problem for any purpose other than participating in the Jessup Competition, including, but not limited to, conducting an internal moot court competition and/or Jessup Team try-outs.

## **2.3 Team Member Eligibility**

A person may be a Team Member if he or she:

- (a) is pursuing a degree, or similar graduate or postgraduate qualification or training in law, or in a field related to international law, or in international relations, provided that he or she has received, or will receive while participating, adequate instruction in international law; and
- (b) intends to compete on behalf of an eligible institution at which he or she is enrolled as a full-time or part-time student as of (i) the Team Member registration deadline, (ii) the Qualifying or Friendly Rounds, or (iii) the International Rounds; and
- (c) has not, after having graduated from any type of law degree program, either (i) engaged in the practice of law, (ii) enrolled in a program of study leading to an advanced post-graduate degree in a legal field (e.g. Ph.D., D.Phil., J.S.D.) or received such a degree, or (iii) engaged in any paid or unpaid activity (outside of degree studies) which would give the student an undue advantage in any aspect of the Competition over students who have not yet completed their first law degree, and the opinion of the Executive Director on either issue shall be final; and
- (d) has never participated as judge, either of Memorials or in any Moot, at any level of the Competition or in a previous Jessup Competition.

#### **2.4 Executive Director's Written Permission Required in Certain Cases**

- (a) In addition to satisfying Rule 2.3, a person must request and obtain the written permission of the Executive Director to be a Team Member if the person:
  - (i) is enrolled as a visiting or exchange student rather than as a degree candidate, or is otherwise enrolled at more than one institution;
  - (ii) is serving as an extern or apprentice in lieu of attending class; or
  - (iii) has already received a graduate degree or post-graduate degree in a legal field (e.g., LL.M., J.D., Canadian LL.B., M.Phil. (International Law), Juris Master).
- (b) Most LL.B. degrees are considered undergraduate degrees. Students who are currently pursuing an undergraduate degree in a legal field are not required to obtain special permission under Rule 2.4. In addition, students who are currently pursuing, but have not yet completed, their first graduate degree in a legal field are not required to obtain special permission under Rule 2.4.

#### **2.5 Executive Director's Discretion**

Notwithstanding the provisions of Rules 2.3 and 2.4, the Executive Director shall have the discretion to grant or deny eligibility in certain exceptional circumstances, but shall do so only in accord with the spirit of these Rules and in the best interests of the Competition.

## **2.6 Team Selection Process**

Team Members may be chosen by any method approved by the responsible authority within the institution.

## **2.7 Nationality Requirements**

Administrators may not, without the written approval of the Executive Director, set nationality requirements with regard to the composition of Teams. Requests for such approval must state clearly in writing the reasons for such a requirement and must be incorporated in the relevant Rules Supplement, approved in accordance with Rule 1.7.

## **2.8 Outside Assistance to Teams**

Each Team must research, write, edit, and develop its own legal and factual arguments without the assistance of persons who are not Team Members. Any Team that receives outside assistance may be penalized and may be disqualified from the Competition.

## **2.9 Assistance from Team Advisors**

A Team shall have a number of Team Advisors no larger than is necessary to adequately prepare the Team to participate fairly in the Competition. Notwithstanding the provisions of Rule 2.8, Team Advisors may provide advice to a Team, provided such advice is limited to:

- (a) general instruction on the basic principles of international law;
- (b) general advice on research sources and methods;
- (c) general advice on Memorial writing techniques;
- (d) general advice on oral advocacy techniques;
- (e) general advice on the organization and structure of arguments in the Team's written and oral pleadings;
- (f) general commentary on the quality of the Team's legal and factual arguments;
- (g) advice on the interpretation and enforcement of these Rules; and
- (h) advice as to pleading options or similar strategic decisions.

## **2.10 Assistance from Other Teams**

Team Members and Team Advisors from any Team, including Teams that have been eliminated from the Competition, may not provide assistance in any way to any other Team. Prohibited assistance includes, but is not limited to, the following: giving the Team's notes or Memorials to a Team still in the Competition; posting the Team's Memorials online so that a person who is not a registered Team Member or registered Team Advisor

may access them; engaging in practice Moots against a participating Team; and providing video or audio recordings of previous Moots, whether practice Moots or Competition Moots, to a Team still in the Competition. The Executive Director may allow for otherwise prohibited assistance if deemed to be in the best interests of the Competition.

### **2.11 Jessup Courses**

Unless prior approval is granted in writing by the Executive Director, Team Members may not participate or be enrolled in a class or course which uses the current year's Competition Problem as a subject matter of instruction, as a teaching tool, or as a means for selecting Team Members. No approval is necessary if student enrolment in the course is limited to Team Members. In any case, even when approval is unnecessary or has been granted by the Executive Director, Team Members must comply with the other provisions of Rule 2.8 regarding outside assistance. Students enrolled in a Jessup course who are not selected to be Team Members may not share or discuss their work with Team Members.

### **2.12 Draft Memorials**

Before Memorials are submitted, Teams may not distribute their Memorials to anyone who is not a registered Team Member or a registered Team Advisor. Registered Team Advisors may provide feedback on Memorials at any time provided they abide by the provisions of Rule 2.9.

### **2.13 Practice Moots**

(a) Teams may organize practice Moots involving the Competition Problem to prepare for the Competition. In practice Moots, the persons presenting arguments for the Applicant and Respondent must be from the same Team. No Team Member from any other Team may observe a practice Moot, and any Team or Team Member who does view another Team's practice Moot, or a Team which permits them to do so, may be disqualified by the Executive Director.

(b) Registered Team Advisors may, at any time, serve as judges in practice Moots for the Team they advise, provided they abide by the provisions of Rule 2.9.

(c) An individual who is not a registered Team Member or registered Team Advisor may serve as a judge in a Team's practice Moots if he or she:

- (i) does so only after the submission of Memorials;
- (ii) is not formally affiliated with any other Team in the Competition;
- (iii) has not obtained access to the Bench Memorandum;

- (iv) confines his or her feedback to general commentary on the advocacy style and technique of the oralists, and to commentary respecting the general rules of international law; and
  - (v) refrains from offering substantive answers or suggestions respecting specific arguments made in the Moot that go beyond the general rules of international law.
- (d) No person who has judged a practice Moot should disclose any information about that Moot to any other Team in the Competition.

#### **2.14 Confidentiality of the Bench Memorandum**

- (a) The Bench Memorandum is strictly confidential. The Executive Director will disqualify any Team that makes use of the Bench Memorandum. Teams that obtain a copy of the Bench Memorandum should immediately inform the Executive Director and either destroy it or return it to the Executive Director without examining the contents, as the Executive Director may request.
- (b) The Bench Memorandum may be used only for Qualifying, Friendly, or the International Rounds of the Competition established pursuant to these Rules.
- (c) Individuals who have obtained access to the Bench Memorandum may not judge practice Moots.

#### **2.15 Use of Opposing Team's Memorials and Arguments**

A Team may not view or otherwise become privy to any Memorial other than its own and the Applicant or Respondent Memorials of each of its scheduled opponents. A Team may incorporate arguments and other information from the Memorials and Moots of other Teams that the Team is authorized to view or hear under this Rule.

#### **2.16 Corrections and Clarifications**

Teams may request corrections and clarifications to the Competition Problem by submitting a written request to the Executive Office through the online system provided for that purpose at [www.ilsa.org](http://www.ilsa.org) by the date in the Official Schedule. Based upon the requests received from all Teams, Corrections and Clarifications to the Competition Problem will be published by the date in the Official Schedule. Each Team must ensure that it receives and adequately notes the Corrections and Clarifications in preparation for the Competition.

#### **2.17 Anonymity of Teams**

Teams must not reveal the identity of their institution, Jurisdiction, or nationality of origin to judges at any time during a Round. The Administrator may impose a Penalty (up to and including disqualification) against any Team

that intentionally or inadvertently discloses its school, Jurisdiction, or country of origin to a judge during a Round, whether or not such disclosure occurs during a Moot. All instances of disclosure during a Round shall be reported to the Executive Director. Merely posting pictures of a Jessup Team or Team Member(s) on social media or a publicly available website, absent other facts, does not constitute a violation of this Rule.

### **OFFICIAL RULE 3: TEAM REGISTRATION**

#### **3.1 Team Registration**

- (a) Each Team must register with the Executive Office by completing a registration form online at <https://www.ilsa.org/jessup-competitors/> and paying the appropriate registration fee by the deadline in the Official Schedule. Each Team must provide a valid email address at registration. Notice sent to the registered email address for the Team constitutes notice to all Team Members.
- (b) All Team Members and Team Advisors are expected to regularly check their Team Homepage for updates and announcements and are assumed to have done so. A Team may not validly complain that it was not given proper notice of a rule change or update, when that change or update was made available on the Team Homepage.
- (c) As a condition of participating in a Qualifying or Friendly Round, the Administrator may, with the consent of the Executive Director, levy a reasonable fee to defray the costs of organizing that Round.

#### **3.2 Waiver of Registration Fee**

- (a) Teams unable to pay in full the registration fee levied pursuant to Rule 3.1(a) may apply for a waiver or discount from the Executive Director, which the Executive Director may grant only in exceptional circumstances. National, Regional, or Friendly Round Administrators do not have authority to grant waivers or discounts of registration fees levied pursuant to Rule 3.1(a). Requests for waivers or discounts should be submitted via the online form located at <https://www.ilsa.org/jessup-competitors/> and on the Team Homepage.
- (b) Any request for a waiver or discount of a fee levied pursuant to Rule 3.1(c) should be addressed to the Qualifying or Friendly Round Administrator in the first instance. Any appeal from a decision taken by the Qualifying or Friendly Round Administrator should be addressed to the Executive Director.

#### **3.3 Team Member Registration**

- (a) Every student who contributes to the work product of the Team, at any point in the Competition Year, must be registered as a Team Member and counted toward the maximum of five Team Members that constitute

that Team. Conducting research for a Team's oral and/or written arguments, writing any part of a Team's Memorial, and presenting any of a Team's oral arguments are examples of activities that contribute to a Team's work product. Students designated by a school or by a Team as alternate or back-up team members may not be registered as Team Members and may not contribute to the Team's work product.

(b) Each registered Team Member may serve any Team Member role, such as researcher, writer, oralist for the Applicant, and oralist for the Respondent, and may serve multiple or all Team Member roles, at any time during the Competition Year. Team Members do not need to register or otherwise designate their particular role(s) on the Team.

(c) It is the responsibility of the Team to ensure that students are eligible under the provisions of Rule 2.3, or have submitted a request for special permission as required under Rule 2.4 or Rule 2.5, prior to contributing to the Team's work product.

(d) Registered Team Members with pending requests for special permission may contribute to the Team's work product while awaiting the Executive Director's decision regarding such requests. If the Executive Director denies a request, the requesting Team Member must immediately cease contributing to the Team's work product and the Team must discard all work produced by the ineligible Team Member.

(e) The name of each Team Member and the program in which he or she is enrolled must be registered with the Executive Office, via the online registration form located under the "Profile" link on the Team's Homepage, by the registration deadline in the Official Schedule.

### **3.4 Team Advisor Registration**

The name of each Team Advisor for a Team must be registered with the Executive Office by the Team registration deadline in the Official Schedule. Team Advisors must be registered by completing the online registration form located under the "Profile" link on each Team's Homepage. An individual sitting only as a practice Moot judge pursuant to Rule 2.13, whether or not a member of the faculty of the institution represented by the Team, need not register as a Team Advisor.

### **3.5 Team Number as Identification**

Once a Team has completed registration, including paying in full the appropriate registration fee, the Team will be assigned an official Team Number.

### **3.6 Changes to Registration Information**

Once Team Members and Team Advisors are registered, Teams may not make additions or substitutions of Team Members or Team Advisors without permission from the Executive Director. A Team must request such change by submitting a description of the change and a justification to [jessup@ilsa.org](mailto:jessup@ilsa.org). The Executive Director may permit substitution or addition of Team Members or Team Advisors only in exceptional circumstances and will not permit such change after work product (written, oral, or research) has been created or generated by the Team Member being replaced or after the Team's memorials have been submitted.

## **OFFICIAL RULE 4: JUDGES AND ELIGIBILITY TO JUDGE**

### **4.1 Determinations of Eligibility**

The Executive Director, or the Administrator in consultation with the Executive Director, will determine the eligibility of persons to serve as judges in any part of the Competition, subject to the provisions of this Rule.

### **4.2 Students**

Students may act as Competition judges only if they (a) hold a degree in law in any jurisdiction, or a degree in an international law-related field, and (b) are not directly affiliated with any Team participating in the Round at which they are judging.

### **4.3 Team Advisors**

Unless expressly permitted by an approved Rules Supplement or otherwise approved by the Executive Director, Team Advisors, or others directly affiliated with a Team, may not act as judges of Memorials or in a Moot until the Team they advise has been eliminated from the Competition. Team Advisors or others directly affiliated with a Team who are permitted to act as judges pursuant to this Rule shall not, in any case, be provided with access to the Bench Memorandum and shall not disclose anything to the Team they advise concerning the written or oral submissions of the Team(s) they judge, in violation of Rule 6.14(a) and 7.20(a).

### **4.4 Anonymity of Teams**

Judges should not attempt to ascertain the school or country of origin of any Team during a Round.

### **4.5 Judge Conflicts of Interest**

(a) For the purpose of this Rule, the following definitions shall apply:

- (i) an “Affiliation” means a personal or professional relationship between a judge and an institution, Team Advisor, or Team Member participating in the Round in which the judge is to serve.
- (ii) a “Conflict of Interest” means an Affiliation that would, in the eyes of a reasonable observer, create an inference that the judge would be unable to be impartial as to the conduct or result of the Moot. Reference should be had to Rule 4.5(f), which lists certain Affiliations that do not *per se* constitute a Conflict of Interest.

(b) The Administrator should avoid placing a judge into a Moot in which he or she has a Conflict of Interest. In the event that the Administrator is unable to avoid a Conflict of Interest, the Administrator should take reasonable steps to mitigate the effects of the Conflict of Interest on the Moot. Such steps might include: obtaining a waiver of the Conflict of Interest from both Teams; informing the other members of the panel of the judge’s Affiliation; adding to the panel a judge with a proportional Affiliation with the opposing Team; and assigning a neutral official to observe the Moot and the subsequent deliberations to determine whether the Conflict of Interest affected the outcome of the Moot.

(c) Any Conflict of Interest may be cured by the express oral or written waiver, either before or after the Moot, of both Teams. In this event, neither Team may later file a complaint on the basis of the Conflict of Interest. In addition:

- (i) If a Team is aware of an Affiliation before the commencement of a Moot and fails to report it, as required under Rule 4.5(e), before the Moot begins, it shall be deemed to have waived any alleged Conflict of Interest.
- (ii) If a Team becomes aware of an Affiliation during or after the completion of a Moot and fails to report as required under Rule 4.5(e), it shall be deemed to have waived any Conflict of Interest.

(d) It is the duty of a judge to report any Affiliations at the time he or she registers to judge or subsequently directly to the Administrator in advance of the Moot. The Administrator shall investigate any reported Affiliation (whether self-reported by a judge or otherwise) and shall determine whether such Affiliation constitutes a Conflict of Interest.

(e) If a Team believes that an Affiliation exists which may constitute a Conflict of Interest, it shall promptly inform the judge serving as President during the Match, who shall take appropriate steps to inform the Administrator where appropriate and, if the Administrator determines that a Conflict of Interest exists, to eliminate or mitigate it. A Team’s failure to timely inform the President of an Affiliation of which it is aware will constitute waiver under Rule 4.5(c).

(f) The difference between a mere Affiliation and a Conflict of Interest is the reasonable inference of partiality. Absent additional facts supporting an inference of partiality, the following frequently occurring Affiliations do not constitute Conflicts of Interest:

- (i) the judge knows or recognizes a Team Member by reason of the Team Member's participation in previous moot court competitions;
- (ii) the judge knows one or both Team Advisors, either because of professional or personal affiliation, prior participation in moot court competitions, or other reasons;
- (iii) the judge is an alumnus of one of the schools participating in the Moot; and
- (iv) the judge is an employee of one of the schools participating in the Moot where such employment is sufficiently remote from the activities of the Team as to dispel any reasonable suspicion of partiality.

#### **4.6 Prior Viewing of Teams**

(a) Subject to Rule 4.6(b), judges should not view a Team that they have viewed in a previous Moot. If a judge must view a Team twice, the Administrator should strive to ensure that he or she views the Team's opposite side.

(b) In the Elimination Rounds of the International Rounds, the Executive Director may permit judges to view one or more Teams that they have previously judged, if such viewing serves the best interests of the Competition.

#### **4.7 Bench Memorandum**

Judges must keep the contents of the Bench Memorandum strictly confidential, and may not disclose them to Teams or Team Advisors.

#### **4.8 Commentary by Judges**

Judges are encouraged to provide direct feedback to Teams regarding their performance at the completion of a Moot. In providing such feedback, judges should give due regard to the time limitations and schedule of the Competition, and must abide by the following:

(a) In the Preliminary Rounds of any Round and Advanced Rounds of the International Rounds, Judges may not provide any feedback that would reveal the contents of the Bench Memorandum, the scores given to individual oralists, or the result of the Match.

(b) In the Elimination Rounds of any Round, Judges may not provide any feedback that would reveal the contents of the Bench Memorandum or scores given to individual oralists. The results of the Match may be revealed to the Teams only if the judges are instructed to do so by the Administrator.

## **OFFICIAL RULE 5: MEMORIALS**

### **5.1 Submission of Memorials**

(a) Each Team participating in the Competition must prepare one Applicant and one Respondent Memorial.

(b) Each Team must submit its Applicant and Respondent Memorials to the Executive Office via its Team Homepage, and send its Applicant and Respondent Memorials to the relevant Administrator, if any, at the email address provided by the Administrator, no later than 17:00 (5:00 p.m.) Central Standard Time (CST) (UTC/GST – 6), on the date specified in the Official Schedule. Submission to the Administrator must occur in a single email message, addressed to the Administrator, with both Applicant and Respondent Memorials attached as separate files titled “###A” and “###R”, respectively (where “###” is the Team’s official Team Number assigned in accordance with Rule 3.5). If one of the Memorials will be submitted late, a Team may separately submit the timely Memorial online through its Team Homepage and send the timely Memorial to the Administrator before the deadline without Penalty. The official time of submission for the purpose of calculating late Penalties is the time each individual Memorial is uploaded to a Team’s Homepage.

(c) Teams may resubmit their Memorials without Penalty until the Memorial deadline has passed. After the Memorial submission deadline, resubmitted Memorials will be subject to a two-point Penalty, as well as any applicable late Penalties.

(d) Equipment failure or problems will not be considered justification for improper formatting or late submission of Memorials.

### **5.2 Disqualification Deadline**

Unless otherwise agreed in advance and in writing by the Executive Office, a Team will be disqualified from the Competition if it does not submit both its Applicant and Respondent Memorials by 17:00 (5:00 p.m.) Central Standard Time (CST) (UTC/GST – 6) on the Disqualification Deadline day for Memorial submission specified in the Official Schedule. Any Memorial submitted after the deadline for Submission of Memorials as defined by Rule 5.1(b), but prior to the Disqualification Deadline, will be subject to applicable late Penalties.

### **5.3 Assistance with Translation of Memorials into English**

All Memorials submitted under Rule 5.1 must be submitted in English. Teams may, if they have received permission from the Executive Director, prepare their Memorials in another language and have them translated into English. Translated Memorials must be accompanied by a certificate from the translators stating that the contents of the Memorials were not revised, updated, or otherwise altered in the translation process. The Executive Director may disqualify any Team that alters the substantive content of its Memorial(s) during translation.

### **5.4 Memorial Formatting**

(a) All parts of each Memorial must be contained in a single file. Memorials must be in Microsoft Word format and have a .doc or .docx file extension. Memorials that do not conform to this Rule, such as Memorials in PDF format or Memorials using a .dat file extension, will not be accepted. If a Team submits its Memorials in an unacceptable format it may resubmit conforming Memorials, but may be subject to resubmission penalties under Rule 5.1(c).

(b) All pages of the Memorial must be letter size, 8.5 x 11 inches (21.6 x 27.9 cm), with margins of at least one inch (2.54 cm) on all four sides. The Executive Office and Administrator may reformat a Memorial that does not comply with this Rule. Teams are advised that such reformatting may result in changes to pagination and layout.

(c) Administrators in Jurisdictions where letter-size or A4 size paper is the standard may print Memorials on letter-size or A4 size paper for their Qualifying or Friendly Rounds. However, the document settings in Rule 5.4(b) for paper size and margins must not change.

(d) It is recommended that the font and size of the text of all parts of the Memorial, excluding the Cover Page and page numbers but including the footnotes, be in Times New Roman 12-point. The line spacing for all parts of the Memorial is recommended to be 1.5 lines, with the exception of the Cover Page, Table of Contents, Index of Authorities, headings, and footnotes (which can be single-spaced). A quotation to sources outside of the Memorial may be block quoted (*i.e.*, right and left indented) and single-spaced if the quotation (excluding footnotes) has at least 50 words. Memorial judges may consider formatting and presentation when they evaluate Memorials, but Teams will not receive Memorial penalties for failing to adhere to the formatting recommendations in sub-part (d) of this Rule.

### **5.5 Advanced Features of Microsoft Word**

Teams that take advantage of advanced features of Microsoft Word – including Track Changes and Comments - while drafting their Memorials are responsible for understanding how those advanced features work. A

Memorial with tracked changes that have not been properly accepted or comments that have not been properly removed prior to submission may be assessed up to a five-point Penalty. Administrators shall remove all tracked changes and comments found in an affected Memorial before submitting it to judges.

## **5.6 Memorial Content**

- (a) The Memorial must contain the following parts in the following order:
- (i) Cover Page;
  - (ii) Table of Contents;
  - (iii) Index of Authorities;
  - (iv) Statement of Jurisdiction;
  - (v) Questions Presented;
  - (vi) Statement of Facts;
  - (vii) Summary of Pleadings;
  - (viii) Pleadings; and
  - (ix) Conclusion/Prayer for Relief.
- (b) Parts not enumerated in paragraph (a), for example, a Table of Abbreviations, are prohibited.

## **5.7 Cover Page**

The front cover of each Memorial must have the following information:

- (a) the Team Number in the upper right-hand corner followed by “A” if an Applicant Memorial or “R” if a Respondent Memorial (e.g., Team 123 would put “123A” in the top right-hand corner of the front cover of its Applicant Memorial);
- (b) the name of the court (i.e., “International Court of Justice”);
- (c) the year of the Competition (the year during which the relevant International Rounds take place);
- (d) the name of the case; and
- (e) the title of the document (i.e., “Memorial for Applicant” or “Memorial for Respondent”).

## **5.8 Index of Authorities**

The Index of Authorities must list all legal authorities cited in any part of the Memorial and must indicate the page number(s) of the Memorial on which each is cited.

## **5.9 Statement of Facts**

The Statement of Facts should be limited to the stipulated facts and necessary inferences from the Competition Problem. The Statement of Facts should not include unsupported statements, distortions of the facts provided, argumentation, or legal conclusions.

## **5.10 Summary of the Pleadings**

The Summary of the Pleadings should consist of a substantive summary of the Pleadings of the Memorial, rather than a simple reproduction of the headings contained in the Pleadings.

## **5.11 Legal Argument Limited to Pleadings**

Substantive, affirmative legal argument or legal interpretation of the facts of the Competition Problem may be presented only in the “Pleadings” part of the Memorial. Summaries of such arguments may be included in the Questions Presented and the Summary of Pleadings.

## **5.12 Length**

The word count for each Memorial shall be conducted using the standard “Word Count” feature in Microsoft Word 2003, Microsoft Word 2007, Microsoft Word 2010, Microsoft Word 2013, or Microsoft Word 2016.

- (a) A Team may not manipulate the word count, including by such means as removing spaces between words or abbreviations in citations where a space would normally occur in standard citation formats, using hyphens inappropriately, using non-breaking white spaces or macros, or otherwise modifying the word processor dictionary. In addition to imposing the Penalty prescribed in Rule 11.1, the Administrator will adjust the word count in the Team’s Memorial to reflect the word count if each instance of manipulation had not occurred before applying the word limits of subsections (b) through (d).
- (b) The Statement of Facts section, including the section title, any section headings or sub-headings, conclusion, associated footnotes, and any other language a Team might elect to include, must be no longer than 1,200 words.
- (c) The Summary of Pleadings section, including the section title, any section headings or sub-headings, conclusion, associated footnotes, and other language a Team might elect to include, must be no longer than 700 words.
- (d) The total length of the Pleadings section, including the section title, any section headings, section sub-headings, the required Conclusion/Prayer for Relief, associated footnotes, signature block, and other language a Team might elect to include, must be no longer than 9,500 words.

### **5.13 Citation Requirement**

Footnotes must be used to identify the source of statements or propositions made in the body of the Memorial. Endnotes are not permitted. Footnotes may include substantive pleadings in addition to the text of the citation itself. Footnotes are included in the word limit of Rule 5.12.

*Examples of proper footnotes:*

Certain Norwegian Loans (Fr. v. Nor.), 1957 I.C.J. 9, 23-24 (July 6) [hereinafter Norwegian Loans].

Certain Norwegian Loans (Fr. v. Nor.), 1957 I.C.J. 9, 23-24 (July 6) [hereinafter Norwegian Loans] (holding that France's reservation in its declaration denying the Court jurisdiction over issues essentially within the national jurisdiction as understood by France could be utilized reciprocally by Norway).

### **5.14 Citation Form**

Citations appearing in the Index of Authorities and text or footnotes of the Memorial must include a description of each authority adequate to allow a reasonable reader to identify and locate it in a publication or other source of general availability. Full citations must be used in the footnotes of the pleadings section the first time a source is cited. Thereafter short forms of citations may be used. Abbreviating sources as defined terms, or short forms of citations in the Table of Authorities, in lieu of using the full citation during the first citation to that source in the pleadings section is prohibited. A one-point Penalty will be assessed for each violation, up to a maximum of five points.

### **5.15 Anonymity in Memorials**

Names of participants, and the nation or institution name of Teams, may not appear on or within the Memorials, and Team Members should not sign their Memorials. Administrators shall strike all references to Team Members, and Jurisdiction or institution names of Teams, from Memorials before submitting them to judges.

### **5.16 Teams with Technological Limitations**

If a Team is unable to comply with any portion of Rule 5 due to technological limitations, it may request alternative arrangements with the Executive Office. Any such request must be made as soon as possible and, at a minimum, two weeks before the Memorial deadline.

### **5.17 Grading of Memorials**

The grading and assessment of penalties for each Memorial will be organized by the Executive Director. Prior to the commencement of the applicable Qualifying or Friendly Round, the Executive Director will endeavor to ensure that each Memorial has been graded at least three times and will communicate the scores and any penalties to the relevant Administrator. The Executive Director will endeavor to ensure that each Memorial is graded at least four times and preferably five times before the commencement of the International Rounds (see Rules 10.6 and 10.7 for scoring).

## **OFFICIAL RULE 6: IN-PERSON MOOTS**

### **6.1 General Procedures**

Each In-Person Moot consists of 90 minutes of oral pleadings. Applicant and Respondent are each allotted 45 minutes. Oral presentations during the Moot must be made by two, and only two, members from each Team. Prior to the beginning of the Moot, the Team arguing as Applicant must indicate to the bailiff which Team Members will act as its first oralist and second oralist and how it wishes to allocate its 45 minutes among (a) its first oralist, (b) its second oralist, and (c) rebuttal. After Applicant has made its determinations, its opponent Team must indicate to the bailiff which Team members will act as its first oralist and second oralist and how it wishes to allocate its 45 minutes among (a) its first oralist, (b) its second oralist, and (c) surrebuttal. Teams may not allocate more than 25 minutes, including rebuttal or surrebuttal, to either oralist, although in extenuating circumstances, the Executive Director has discretion to permit a single oralist to argue beyond the 25-minute limit. Such permission must be sought, where possible at least seven days prior to the Moot. Time allocated to but not used by one oralist may not be used by the other oralist or saved for rebuttal or surrebuttal. Any Team Member may act as an oralist during any Moot in the Competition, and need not always argue the same side. Teams using interpreters at In-Person Qualifying or Friendly Rounds may be allotted additional time pursuant to Rule 6.15.

### **6.2 Extension of Time at Judges' Discretion**

Judges may, at their discretion, extend total Team oral argument time beyond the 45-minute allocation, and oralists asked by the judges to expand upon arguments may, in this instance, exceed the 25-minute individual limit.

### **6.3 Three Judge Panels**

In each In-Person Moot, the Administrator shall employ three judges whenever possible, and may employ more than three judges in Elimination Rounds. In extenuating circumstances, the Administrator may authorize panels of two judges, but this should be done only as a last resort. The Administrator should minimize the number of times that a Team is evaluated by a two-judge panel. In no case may an Administrator authorize that a Moot be presided over by a single judge.

### **6.4 Order of the Pleadings**

The order of the pleadings in each In-Person Moot at all levels of the Competition is: Applicant 1, Applicant 2, Respondent 1, Respondent 2, Rebuttal (Applicant 1 or 2), and Surrebuttal (Respondent 1 or 2). Once an oralist has completed his or her main pleading, that oralist may not make any additional argument except for rebuttal or surrebuttal. This applies irrespective of whether the pleading Team uses all of the time it has allocated for its main pleadings. Time not used in the main pleading may not extend the time allocated to rebuttal or surrebuttal.

### **6.5 Rebuttal and Surrebuttal**

Each Team may reserve up to five minutes for rebuttal or surrebuttal. As a courtesy to the judges, Teams should announce at the beginning of their oral argument whether they have reserved time for rebuttal or surrebuttal and how much time they have reserved, although a failure to do so will not entail waiver of the right to rebuttal or surrebuttal. Only one of the two oralists participating in the In-Person Moot may deliver the rebuttal or surrebuttal, but the Team need not indicate in advance which of the two oralists will do so. The rebuttal shall immediately follow Respondent 2, and the surrebuttal shall immediately follow the rebuttal. Teams may waive their rebuttal or surrebuttal. If the Applicant waives rebuttal, then surrebuttal is deemed to be waived as well.

### **6.6 Scope of Pleadings**

A Team's oral pleadings are not limited to the scope of the Team's Memorial. The scope of the Applicant's rebuttal is limited to responding to the Respondent's primary oral pleadings, and the scope of the Respondent's surrebuttal is limited to responding to the Applicant's rebuttal. Although judges are admonished to enforce the limits on the scope of rebuttal and surrebuttal, and may take a violation of this Rule into account in evaluating an oralist's performance, there is no discretionary or non-discretionary Penalty for exceeding the scope of rebuttal or surrebuttal.

## **6.7 Ex Parte Procedure**

(a) In extreme circumstances, such as when a Team fails to appear for a scheduled In-Person Moot, the Administrator, after waiting 30 minutes, may allow the Moot to proceed *ex parte*. In an *ex parte* proceeding, the attending Team presents its oral pleadings, which are scored by the judges to the extent possible as if the absent Team had been present. In such a case, the Team that fails to appear for its scheduled Moot forfeits all six of the Moot's Oral Round Points.

(b) The Administrator may schedule an additional *ex parte* proceeding for the absent Team later in the Round, if time and administrative concerns permit. The scores from the absent Team's *ex parte* proceeding do not affect the scoring of the original In-Person Moot and are used only for purposes of calculating individual oral pleading scores.

(c) A Team will be deemed to have failed to appear if only one Member from a given Team appears for the In-Person Moot. In such an event, the absent Team's single oralist shall be allowed to plead and receive an individual score for purposes of calculating individual oral pleading scores, even though his or her Team forfeits all six Oral Round points.

## **6.8 Of Counsel**

During each In-Person Moot, one additional Team Member registered pursuant to Rule 3.3 may sit at the counsel table with the two oralists, as counsel. The person acting as counsel need not be the same person in each In-Person Moot.

## **6.9 Competition Communications**

Only the oral communications with the judges described in Rule 6.10 are permitted. In particular, no written communication or exhibits may be presented or delivered by any Team Member to any judge.

## **6.10 Oral Courtroom Communication between Counsel and Judges**

Each oralist may communicate with the judges, and the judges may communicate with that oralist, only during his or her allotted time. The judges may communicate directly with either Team's counsel table (for example, to clarify the spelling of an oralist's name or to request that a Team remain quiet during its opponent's oral presentation).

## **6.11 Activity at Counsel Table**

To prevent disruption, communication at the counsel table between Team Members may be in writing only.

Teams and Team-affiliated observers shall avoid all unnecessary noise, outbursts, or other inappropriate behavior that distracts from the argument in progress.

#### **6.12 Written Courtroom Communication**

Written communication during the In-Person Moot shall be limited to written communication among Team Members seated at the counsel table. No other written communication may take place between any combination of the following parties: judges, the oralist, Team Members seated at the counsel table, or observers (including Team Members and Team Advisors seated in the audience).

#### **6.13 Observers**

(a) All Moots are presumptively open to the public. Teams may agree in advance, and after consultation with the Administrator, to limit the number of observers in a room during the Preliminary Rounds. The presence of Team Advisors or other observers affiliated with the Team is permitted in the courtroom during an In-Person Moot in which the Team is competing. Teams are responsible for ensuring that their observers do not engage in any disruptive behavior, and shall ensure that spectators do not disclose to judges the identity of their institution or country.

(b) For reasons of public health or safety or the fair and efficient conduct of the Moot, an Administrator may limit the number of observers or others who may be present at an In-Person Moot.

#### **6.14 Scouting**

(a) Team Members or persons directly affiliated with any Team may attend only Moots in which that Team is competing. The Executive Director may, in the interests of the Competition, (1) waive this Rule, or (2) allow Team Advisors to judge, provided such Team Advisors offer no advice to the Team they advise about the Team(s) they judge. Violation of this Rule should be brought to the attention of the Administrator immediately, without disturbing the In-Person Moot, or immediately after the In-Person Moot has finished.

(b) There are two types of scouting, both of which are prohibited. "Direct Scouting" occurs when a Team attends a Moot involving one or more Teams against which it will compete in a future Moot. "Indirect Scouting" occurs when a Team attends a Moot involving two Teams against which it is not scheduled to compete in the Preliminary Rounds, or when a Team, through any other means, obtains or attempts to obtain information about another Team regardless of whether the Team seeking the information will compete against the Team(s) for which information is sought.

(c) A Team that commits Direct Scouting forfeits all six Oral Round Points in each future Preliminary Round in which it competes against a Team it scouted.

(d) A Team that commits Indirect Scouting shall forfeit one Preliminary Round Match. For example, if the Team won four Preliminary Round Matches, its total number of wins shall be reduced to three, without other adjustment to its Total Raw Points or Total Round Points. (If a Team that commits Indirect Scouting wins no Preliminary Round Matches, there shall be no such adjustment.) This adjustment shall occur prior to the determination of final Preliminary Round rankings described in Rule 10.9.

(e) During the Elimination Rounds of any Round, a Team is forbidden from attending any Elimination Rounds Moots not involving that Team. Any Team which commits scouting during the Elimination Rounds will forfeit the Match in which the scouting occurred and, as a consequence, any subsequent Match in that competition in which the Team competes. In the event that scouting is discovered only after the subsequent Rounds have been held, the resulting forfeit(s) shall not retroactively affect the seeding of subsequent Rounds. All Teams which have participated in a Qualifying or Friendly Round may attend the National, Regional, or Friendly championship Match for the Round in which it has competed, subject to Rule 6.13(b).

#### **6.15 Interpreters and the Use of Interpreters**

Teams may use interpreters, subject to the following provisions:

(a) In Qualifying and Friendly Rounds, the Administrator may allow Teams and/or judges to use languages other than English during In-Person Moots in that Round, and/or may provide procedures whereby interpreters may be used, by including Rules to this effect in their Rules Supplements.

(b) A member of a Team may serve as an interpreter for other members of the Team if: (a) he or she does not act as an oralist in the same In-Person Moot in which he or she is an interpreter; and (b) he or she does not sit at counsel table during the In-Person Moot in which he or she is an interpreter; and (c) he or she does not communicate with the Team in any way during the In-Person Moot, except to interpret the oral pleadings.

(c) When a Team employs an interpreter, he or she may render only a literal interpretation of the oralists' pleadings and the judges' questions. No embellishment, enhancement, or clarification on the part of the interpreter is allowed. A Team that violates this Rule is subject to forfeiture of all six Oral Round Points for that In-Person Moot.

#### **6.16 Audio and Video Recording**

No audio or video recording of an In-Person Moot is permitted without the advance permission of the entire panel of judges, the two participating Teams, and the Administrator. In no circumstances may participating

Teams view or listen to any video or audio recording of an In-Person Moot until after the completion of the Round in which the recorded In-Person Moot took place. ILSA reserves all rights to the audio and video recording, or any other form of audio or visual reproduction, of any In-Person Moot or part thereof.

#### **6.17 Anonymity of Teams in Courtrooms**

During an In-Person Moot, participants may not directly or indirectly indicate their Jurisdiction, nationality or school of origin to the judges or bailiff, including through the wearing of name tags, pins, logos, or other signifiers, or the placement of folders, files, library books, or other materials identifying their school on counsel table. For the purposes of this Rule, the term “participants” includes Team Members, Team Advisors, and observers affiliated with the Team.

#### **6.18 Computers, Mobile Phones, and other Electronic Devices in Courtrooms**

During an In-Person Moot, oralists at the podium and Team Members seated at counsel table may not operate, for any purpose, mobile phones, laptop computers, PDAs, or any other electronic devices, including but not limited to those which are internet-enabled or data-capable, or have instant messaging capabilities. All such devices must be turned off and removed from sight as soon as the bailiff first enters the courtroom, and must remain off and out of sight until the conclusion of the In-Person Moot. A Team that violates this Rule may forfeit up to six Oral Round Points; the Administrator shall determine a Penalty that corresponds to the severity of the violation.

#### **6.19 Timekeeping Devices in the Courtroom**

The official time of the match shall be indicated by the bailiff. No one other than the bailiff may display timecards or otherwise signal to the oralist how much time is left. Teams may use silent digital or analog watches at the podium or at counsel table. However, the use of any such device which, in addition to keeping time, is capable of either (a) sending or receiving data to another person or to the Internet, or (b) storing text data, shall be prohibited at counsel table and at the podium as a violation of Rule 6.18, even if such functionality is turned off.

#### **6.20 Complaints**

(a) If a Team believes that an infraction of the Rules has occurred during an In-Person Moot, the Team must inform the Administrator orally as soon as reasonably practicable after the infraction becomes known to the Team, and in any event within 15 minutes of the completion of the Moot. The Administrator may request that

the complaint is reduced to writing and may set a reasonable time limit for so doing. Any complaint not raised or reduced to writing within the time stipulated is deemed waived. No written complaint may exceed 500 words without express permission of the Administrator. Any decision of an Administrator may be appealed to the Executive Director within 24 hours of the decision being communicated to the Team. The Executive Director's decision on all appeals is final.

(b) If a judge believes that an infraction of the Rules has occurred during an In-Person Moot, the judge shall notify the Administrator as soon as possible without discussing the matter with the Teams.

## **OFFICIAL RULE 7: ONLINE MOOTS**

### **7.1 General Procedures**

Each Online Moot consists of 90 minutes of oral pleadings. Applicant and Respondent are each allotted 45 minutes. Oral presentations during the Moot must be made by two, and only two members, from each Team. Time allocated to but not used by one oralist may not be used by the other oralist or saved for rebuttal or surrebuttal. Any Team Member may act as an oralist during any Moot of the Competition, and need not always argue the same side.

### **7.2 Pre-Moot Procedure**

Prior to the beginning of the Online Moot, the Team arguing as Applicant must indicate which Team Members will act as its first oralist and second oralist and how it wishes to allocate its 45 minutes among (a) its first oralist, (b) its second oralist, and (c) rebuttal. After Applicant has made its determinations, its opponent Team must indicate which Team members will act as its first oralist and second oralist and how it wishes to allocate its 45 minutes among (a) its first oralist, (b) its second oralist, and (c) surrebuttal. Teams may not allocate more than 25 minutes, including rebuttal or surrebuttal, to either oralist, although in extenuating circumstances, the Executive Director has discretion to permit a single oralist to argue beyond the 25-minute limit. Such permission must be sought, where possible at least seven days prior to the Moot.

### **7.3 Three Judge Panels**

In each Online Moot, the Administrator shall employ three judges whenever possible, and may employ more than three judges in Elimination Rounds. In extenuating circumstances, the Administrator may authorize panels of two judges, but this should be done only as a last resort. The Administrator should minimize the number of

times that a Team is evaluated by a two-judge panel. In no case may an Administrator authorize that a Moot be presided over by a single judge.

#### **7.4 The President**

(a) The judge to preside over the Moot (“the President”) shall have the following functions and responsibilities:

- (i) to introduce the Moot;
- (ii) to mute, disable the camera of, or remove any Team Member, Team Advisor or observer of the Moot, where such action is necessary to avoid disruption;
- (iii) to suspend the Moot if due to technical reasons either an oralist or a judge has been disconnected from the Moot or is having difficulty in hearing or otherwise communicating;
- (iv) to extend time for any oralist beyond the time reserved, while ensuring fairness to both Teams;
- (v) to determine whether to take an oralist out of the sequence set out in Rule 7.6 where it is expedient to do so, or to permit substitution of an oralist (but only as permitted under Rule 7.17(d)), due to technical difficulties;
- (vi) to suspend the Moot and consult the Administrator where it may be necessary to abandon a Moot (under Rule 7.17(f) & (j)), to proceed *ex parte* (under Rule 7.17(c) or (f)),
- (vii) to announce the conclusion of the Moot and that the judges will retire to a break-out room to deliberate;
- (viii) to reconvene the judges and Teams for feedback;
- (ix) in an Elimination Round, where instructed to do so by the Administrator, to announce the winner of the Match; and
- (x) to end the Moot.

(b) In performing his or her responsibilities under Rule 7.4(a) the President must strive to ensure that the Moot is fair to both Teams. A Team may complain to the Administrator pursuant to Rule 7.23 about the decision of the President under Rule 7.4(a).

#### **7.5 Timekeeping in an Online Moot**

The Administrator must provide for time to be kept during each Online Moot, either by way of an electronic counter visible to the oralists and the judges, a bailiff showing timecards such that the oralists and the judges are able to see those cards, or other appropriate means determined by the Administrator.

## **7.6 Order of the Pleadings**

The order of the pleadings in each Online Moot at all levels of the Competition is: Applicant 1, Applicant 2, Respondent 1, Respondent 2, Rebuttal (Applicant 1 or 2), and Surrebuttal (Respondent 1 or 2). Once an oralist has completed his or her main pleading, that oralist may not make any additional argument except for rebuttal or surrebuttal. This applies irrespective of whether the pleading Team uses all of the time it has allocated for its main pleadings. Time not used in the main pleading may not extend the time allocated to rebuttal or surrebuttal.

## **7.7 Rebuttal and Surrebuttal**

Each Team may reserve up to five minutes for rebuttal or surrebuttal. As a courtesy to the judges, Teams should announce at the beginning of their oral argument whether they have reserved time for rebuttal or surrebuttal and how much time they have reserved, although a failure to do so will not entail waiver of the right to rebuttal or surrebuttal. Only one of the two oralists participating in the Moot may deliver the rebuttal or surrebuttal, but the Team need not indicate in advance which of the two oralists will do so. The rebuttal shall immediately follow Respondent 2, and the surrebuttal shall immediately follow the rebuttal. Teams may waive their rebuttal or surrebuttal. If the Applicant waives rebuttal, then surrebuttal is deemed to be waived as well.

## **7.8 Scope of Pleadings**

A Team's oral pleadings are not limited to the scope of the Team's Memorial. The scope of the Applicant's rebuttal is limited to responding to the Respondent's primary oral pleadings, and the scope of the Respondent's surrebuttal is limited to responding to the Applicant's rebuttal. Although judges are admonished to enforce the limits on the scope of rebuttal and surrebuttal, and may take a violation of this Rule into account in evaluating an oralist's performance, there is no discretionary or non-discretionary Penalty for exceeding the scope of rebuttal or surrebuttal.

## **7.9 Competition Communications**

Only the oral communications with the judges described in Rule 7.10 are permitted. In particular, the oralist is not permitted to share his or her screen, or present any other text or written materials at any stage. An oralist's name displayed at the bottom of their screen is permitted.

## **7.10 Oral Communication between Counsel and Judges**

Each oralist may communicate with the judges, and the judges may communicate with that oralist, only during his or her allotted time. The President may, where necessary, communicate with an oralist, or another participant or observer in the Online Moot, to ensure the orderly conduct of the Moot (for example, to request participants or observers to turn off their camera or mute their microphone, or to clarify the spelling of an oralist's name).

#### **7.11 Participants and Observers in an Online Moot**

The following people are permitted to join an Online Moot: (i) the judges assigned to that Moot; (ii) the members of each Team arguing in that Moot; (iii) the Team Advisors of each Team arguing in that Moot; (iv) the Executive Director, an Administrator, or any person nominated by him or her to observe; and (v) any additional person permitted under Rule 7.12.

#### **7.12 Observers**

A Team may request authorization for any other person connected to the Team (for example a family member, or a member of the institution the Team represents) to be provided with a link to allow him or her to observe an Online Moot remote from any member of the Team or a Team Advisor. Such a request must be made at least 48 hours before the Moot. The decision of the Administrator to grant or refuse permission is final. All persons granted permission must have their cameras switched off and their microphone muted at all times. Any person who is not a member of the Team or a Team Advisor may be in the same room as the Team or a Team Member to observe the Moot, without seeking permission under this Rule. Any person observing a Moot, whether with a Team Member or otherwise, may do so subject to their compliance with Rules 7.14, 7.15, 7.20, and 7.22. The Team is responsible for their compliance.

#### **7.13 Location of Participants**

- (a) No judge of any Online Moot may be in the same room as any Member of either or both Teams participating in that Online Moot.
- (b) Two or more Team Members are permitted to be together in the same room (if local laws, regulations, guidelines and or institutional rules permit).
- (c) Team Advisors are permitted to be in the same room as one or more Team Members.
- (d) No members of two different Teams are permitted to be in the same room during an Online Moot.

#### **7.14 Team Communication during an Online Moot**

Team Members participating in an Online Moot may communicate with each other during the Moot in any written or electronic medium, subject to the remaining provisions of this Rule. No other person, including a Team Advisor, may communicate with any Team Member in any way during a Moot, save to give technical assistance with any equipment being used to participate in the Moot. No Team Member may communicate with an oralist in any way while he or she is making his or her oral argument, save to give technical assistance with any equipment being used to participate in the Moot. The Administrator shall impose a penalty of up to 10 Oral Raw Points, corresponding to the severity of the violation, upon any Team violating this Rule.

#### **7.15 Anonymity of Teams**

During an Online Moot, Team Members, Team Advisors or observers affiliated with a Team may not directly or indirectly indicate their country or school of origin to the judges, including through the display of screen names, the wearing of name tags, pins, logos, or other signifiers, or the placement of folders, files, library books, or other materials identifying their school or country in such a way as may be visible to a judge.

#### **7.16 Configuration of Camera and Microphone**

During an Online Moot, a judge shall, to the degree possible, arrange the camera so that his or her face is visible to the oralists. The oralist delivering oral pleadings shall also configure his or her camera to permit the judges to observe his or her face. All participants and observers of a Moot shall have their microphone muted unless they are making their oral presentation, or the President asks them to speak. Judges should have their microphone muted unless they are asking a question. Oralists may sit or stand when making their submissions.

#### **7.17 Non-Appearance of a Team and Technical Problems**

- (a) Where a Team or a Team Member is experiencing technical problems in joining an Online Moot, they must inform the Administrator immediately, or as soon as possible, of the problem and the reasons (if known) for it.
- (b) Where a technical problem occurs during a Moot the President shall exercise his or her discretion as to how to proceed, in accordance with Rule 7.4 and this Rule.
- (c) Unless directed to the contrary by the Administrator, if a Team fails to join the Moot, the President, after waiting 30 minutes, shall allow the Moot to proceed *ex parte*. In an *ex parte* proceeding, the attending Team presents its oral pleadings, which are scored by the judges to the extent possible as if the absent Team had been present and arguing. In such a case, the Team that fails to appear for its scheduled Moot forfeits all six

Oral Round Points (see Rules 7.18 & 7.19). The President should where possible consult the Administrator before exercising his or her powers under this Rule.

(d) Where a Team Member, who has been designated as an oralist in accordance with Rule 7.2, either is unable to join the Moot, or having joined the Moot has such technical difficulties as makes it impossible for him or her to commence his or her oral argument, the President may permit another Team Member to be substituted, save that no Team Member may speak for longer than the time permitted by Rule 7.2. Once an oralist has commenced his or her oral pleading no substitution may be permitted.

(e) A Team will be deemed to have failed to appear if only one Member from a given Team appears for the Online Moot. In such an event, the absent Team's single oralist shall be allowed to plead and receive an individual score for purposes of calculating individual oral pleading scores, even though his or her Team forfeits all six Oral Round points.

(f) Where an entire Team has such technical difficulties that they are unable to continue to participate in the Moot, the President shall determine, after waiting for at least 10 minutes and not more than 15 minutes, whether the Moot should proceed on the basis of such submissions as that Team has already made, or as if the Moot had proceeded *ex parte* under Rule 7.17(c), or to abandon the Moot. The President should where possible consult the Administrator before exercising his or her powers under this Rule which would result in the Moot proceeding *ex parte*.

[As examples: If the Applicant Team experiences difficulties with the second Applicant oralist, such that connection is lost with 5 minutes remaining of that oralist's time, the President may decide that the Team can be fairly assessed on what has been heard. If the whole of the Applicants' oral argument has been heard, but the Respondent has lost connection 5 minutes into the First Respondent, the President may decide that the Moot should proceed *ex parte*. If connection is lost part way through the Applicant's submissions and connection with the Respondent is intermittent, the President may determine that the Moot should be abandoned.]

(g) Where a judge encounters technical difficulties during the course of a Moot and:

(i) the judge is unable to continue to properly participate in the Moot, then after the Moot has been suspended for not less than 5 minutes and not more than 15 minutes while efforts are made to reconnect, or

(ii) the effect of an interruption or interruptions is such that the judge is of the opinion that he or she is unable to fairly score the Moot,

the judge may recuse himself or herself, or the President may determine that the Moot will proceed with only two judges. Such a Moot will be scored in accordance with Rule 10.6.

(h) Where the President encounters technical difficulties during the course of a Moot such that he or she is unable to properly participate in the Moot, then after the Moot has been suspended for not less than 10 minutes and not more than 20 minutes, the remaining judges shall determine which of them shall assume the role of the President. The Moot will proceed with the remaining two judges. Such a Moot will be scored in accordance with Rule 10.6. If the President, at the conclusion of the Moot, is of the opinion that the effect of an interruption or interruptions is such that he or she is unable to fairly score the Moot, he or she may recuse him or herself from scoring the Moot, which will be scored in accordance with Rule 10.6.

(i) Where a judge is able to rejoin a Moot only after it has re-commenced as a two-judge panel (under Rule 7.17(g) or (h)), that judge may continue to participate by asking questions of the oralists, contribute to the judges' deliberations at the conclusion of the Moot, and provide feedback after the Moot, but he or she may not score the Moot. Likewise a President, who is able to rejoin a Moot only after it has re-commenced with another judge having assumed the role of President, shall not resume the role of President, but may continue to participate by asking questions of the oralists, contribute to the judges' deliberations at the conclusion of the Moot, and provide feedback after the Moot, but he or she may not score the Moot (see Rule 7.17(k)).

(j) No Moot may proceed with only one judge participating. Such a Moot must be abandoned.

(k) In the event of technical problems during the Moot, the Team experiencing the problem must notify the Administrator as soon as possible.

(l) In the event of a technical problem during the Moot affecting a Team or a judge, the President and any judge affected shall send a brief report to the Administrator, as soon as possible after the conclusion of the Moot. The Administrator may request observations from any judge, Team Member, Team Advisor or observer.

#### **7.18 Abandoned and *Ex Parte* Online Moots – Preliminary and Advanced Rounds**

(a) In the event that an Online Moot has been abandoned pursuant to Rule 7.17, the Administrator shall, where possible, reschedule the Moot later in the competition before a different bench of judges. In the event that a Moot between the same Teams has been abandoned twice, or having been abandoned once cannot be rescheduled, then no Oral Raw Points or Oral Round Points shall be awarded in that Match. Memorial Raw Points and Memorial Round Points will be awarded and the winner of the Match shall be determined based on the Memorial scores.

(b) In the event that a Moot has proceeded *ex parte*, the Administrator may determine, after considering all of the available information, (i) that the result of the Moot shall stand (the Team which did not argue, or did not complete its argument, having forfeited all 6 Oral Round Points, in accordance with Rule 7.17(c)), or (ii) that the Moot shall be rescheduled, if that is possible, before a different bench of judges.

- (c) Where a Moot is rescheduled pursuant to Rule 7.18(b):
  - (i) If both Teams are able to participate and at least two judges provide scores, then the result of the rescheduled Moot shall stand and the scores for the earlier *ex parte* Moot shall be discarded.
  - (ii) If the same Team as in the originally scheduled Moot is absent, or is unable to complete a sufficient amount of its oral argument to be scored, then the rescheduled Moot shall be abandoned and the original *ex parte* scores shall stand.
  - (iii) If the other Team in the originally scheduled Moot is absent, or is unable to complete a sufficient amount of its oral argument to be scored, then the Moot shall proceed *ex parte* and the *ex parte* scores from the original Moot and the rescheduled Moot shall be used to determine the outcome of the Match.
- (d) The Administrator may vary the procedure adopted in this Rule in the best interests of the Competition.

#### **7.19 Abandoned and *Ex Parte* Online Moots – Elimination Rounds**

- (a) Notwithstanding the provisions in Rule 7.17, no Elimination Round Online Moot may proceed *ex parte*. If for whatever reason, such a Moot would proceed *ex parte* or be abandoned under Rule 7.17, the President must contact the Administrator immediately. The Administrator shall make enquiries of the absent Team or the Team experiencing technical difficulties and shall if possible, after a further delay, permit the Moot to start or resume.
- (b) Where such a Moot cannot be concluded such that at least two judges have provided scores, then the Administrator may reschedule the Moot, if that is possible.
- (c) If such a Moot cannot be rescheduled and if one Team was absent from the Moot, that Team shall be treated as having forfeited the Match and the other Team shall advance. If both Teams were in a position to participate in the Moot but for some other reason the Moot could not proceed, then in Qualifying or Friendly Rounds the higher ranked Team from the Preliminary Rounds, or in the International Rounds the higher ranked Team at the end of the Advanced Rounds, shall advance.
- (d) If such a Moot is rescheduled the procedure in Rule 7.19(c) shall apply to determine the winner of the Match if it cannot be concluded such that at least two judges provide scores.
- (e) The Administrator may vary the procedure adopted in this Rule where doing so is deemed to be in the best interest of the Competition. Specifically, the Administrator and/or the President may extend the waiting periods in Rule 7.17 to allow the Moot to be concluded.
- (f) In the event that a Championship Round, including the World Championship Jessup Cup Round, cannot proceed for technical reasons, the Administrator may make such arrangements as he or she considers appropriate.

## **7.20 Scouting**

(a) Team Members or persons directly affiliated with any Team (including observers under Rule 7.12) may observe only the Online Moots in which that Team is competing. The Executive Director may, in the interests of the Competition, (1) waive this Rule, or (2) allow Team Advisors to judge, provided such Team Advisors offer no advice to the Team they advise about the Team(s) they judge. Violation of this Rule should be brought to the attention of the Administrator immediately, without disturbing the Moot, or immediately after the Moot has finished.

(b) There are two types of scouting, both of which are prohibited. "Direct Scouting" occurs when a Team observes a Moot involving one or more Teams against which it will compete in a future Moot. "Indirect Scouting" occurs when a Team observes a Moot involving two Teams against which it is not scheduled to compete in the Competition.

(c) A Team that commits Direct Scouting forfeits all six Oral Round Points in each future Match in which it competes against a Team it scouted.

(d) A Team that commits Indirect Scouting shall forfeit one Preliminary or Advanced Round Match. For example, if the Team won four Preliminary or Advanced Round Matches, its total number of wins shall be reduced to three, without other adjustment to its Total Raw Points or Total Round Points. (If a Team that commits Indirect Scouting wins no Preliminary or Advanced Round Match, there shall be no such adjustment.) This adjustment shall occur prior to the determination of final Preliminary or Advanced Round rankings described in Rule 10.9 and Rule 10.13.

(e) During the Elimination Rounds of any Round, any Team still in the Competition is forbidden from attending any Elimination Round matches not involving that Team. Any Team which commits scouting during the Elimination Rounds will forfeit the Match in which the scouting occurred and, as a consequence, any subsequent Match in that competition in which the Team competes. In the event that scouting is discovered only after the subsequent Matches have been held, the resulting forfeit(s) shall not retroactively affect the seeding of subsequent Matches. All Teams which have participated in a Qualifying or Friendly Round may attend the National, Regional, or Friendly championship Match for the Round in which it has competed, subject to such arrangements being made.

## **7.21 Interpreters and the Use of Interpreters**

An Online Moot must be conducted exclusively in English. No Team is permitted to use an Interpreter.

## **7.22 Recording**

No recording, whether audio or video, of the whole or any part of an Online Moot is permitted by any Team or Observer (under Rule 7.12). Any Team that records a Moot in breach of this Rule shall forfeit up to six Oral Round Points for the Moot recorded. No recording made in breach of this Rule shall be admissible in any complaint submitted by a Team. The rights and any intellectual property of any recording of a Moot or part thereof made in breach of this prohibition shall in any event belong to ILSA and the distribution of such a recording is strictly prohibited. ILSA may record any Online Moot. The Administrator shall retain any recording for a period of 48 hours to adjudicate upon any complaint or to permit a judge to review the Match. The Administrator may retain any recording beyond 48 hours. Such recordings will not be broadcast or uploaded to the Internet without the consent of the Teams and judges involved. The Administrator may take and use still photographs taken from a screenshot of an Online Moot for publicity purposes and all participants in every Moot are deemed to have consented to such use. All Teams participating in the World Championship Jessup Cup Moot will be deemed to have consented to the recording, broadcasting, or uploading to the Internet of that Moot.

## **7.23 Complaints**

- (a) If a Team believes that an infraction of the Rules has occurred during an Online Moot, the Team must inform the Administrator within one hour of the completion of the Moot. Such complaints are limited to 500 words, unless further information is requested by the Administrator or the Executive Director. Any complaint not received within one hour is deemed waived. The Administrator may extend time for a complaint in exceptional circumstances. Any decision of an Administrator may be appealed to the Executive Director within 24 hours of the decision being communicated to the Team. The Executive Director's decision on all appeals is final.
- (b) If a judge believes that an infraction of the Rules has occurred during a Moot, the judge shall notify the Administrator as soon as possible, without discussing the matter with the Teams.
- (c) The Administrator will devise and implement appropriate remedies to address complaints regarding decisions of the President, in particular under Rules 7.4 and 7.17, but only if the Administrator determines that (i) the President has exercised his or her powers unreasonably, and (ii) the outcome of the Moot has been materially affected.

## **OFFICIAL RULE 8: QUALIFYING AND FRIENDLY ROUNDS**

### **8.1 Structure**

The Administrator shall determine the structure of Qualifying or Friendly Rounds in consultation with the Executive Director. Unless otherwise set out in a Rules Supplement, the Qualifying or Friendly Round shall consist of Preliminary Rounds and Elimination Rounds as set out in this Rule.

### **8.2 Preliminary Rounds**

Each Team participating in a Qualifying or Friendly Round shall participate in Preliminary Rounds consisting of four Matches, twice as Applicant and twice as Respondent. If four or fewer Teams are participating in the Round, the Executive Director may permit fewer Matches, and the Administrator shall work with the Executive Director to decide an appropriate match schedule, pairing procedure, and scoring system. Each Team shall, to the degree possible, face any opposing Team only once in the Preliminary Rounds of a National, Regional, or Friendly Round. In the event that Teams must face each other in two Matches, each Team shall plead as Applicant in one Match and Respondent in the other Match.

### **8.3 Pairings**

The pairing of Teams for Preliminary Rounds shall be done, in the first instance, by a random draw. Pairings and Memorials of opposing Teams will be distributed to Teams on or prior to the first day of the Round. The Administrator may modify the pairings to account for absent Teams or other contingencies. If Teams must be newly paired, they must be provided their new opponents' Memorials as soon as reasonably possible, but at the very least 15 minutes prior to the start of the newly-paired Moot.

### **8.4 Quarterfinal Round**

If 16 or more Teams are participating in a National, Regional, or Friendly Round, the Administrator may hold a Quarterfinal Round consisting of four matches among the eight highest-ranking Teams from the Preliminary Rounds. In such a Quarterfinal Round, the pairings shall be determined by "power-seeding" as follows: the eighth-ranked Team versus the first-ranked Team, the seventh-ranked Team versus the second-ranked Team, the sixth-ranked Team versus the third-ranked Team, and the fifth-ranked Team versus the fourth-ranked Team.

### **8.5 Semifinal Round**

(a) If a Quarterfinal Round has been held, the winning Team in each of the four Quarterfinal matches shall advance to the Semifinal Round. In the Semifinal Round, the pairings shall be determined by use of "power-

seeding," *i.e.*, the highest-ranked remaining Team shall compete against the lowest-ranked Team. The rankings to be used will be the final rankings from the Preliminary Rounds.

(b) In other Qualifying or Friendly Rounds of eight or more Teams (and no Quarterfinal Round has been held), the Administrator may hold a Semifinal Round among the four highest-ranking Teams from the Preliminary Rounds. In such a Semifinal Round, the pairings shall be determined by "power-seeding" as follows: the fourth-ranked Team versus the first-ranked Team; and the second-ranked Team versus the third-ranked Team.

### **8.6 Championship Round**

If a Semifinal Round has been held, the winning Team in each of the two Semifinal matches shall advance to the Championship Round. If a Semifinal Round has not been held, then the top two Teams from the Preliminary Rounds shall compete against one another in a single Championship Round. In either case, the winner of the Championship Round is the National, Regional, or Friendly Champion.

### **8.7 Pleading Option**

(a) Prior to the commencement of the Elimination Rounds, each competing Team will be given its completed master Team scoresheet from the Preliminary Rounds, but not individual judges' scoresheets or notes.

(b) In the Quarterfinal and Semifinal Rounds, the higher-ranking Team from the Preliminary Rounds shall have the right to choose which side it will argue. This right is called the "Pleading Option."

(c) The Administrator shall choose a means of random decision in determining the Pleading Option for a Championship Round.

(d) The Team with the pleading option has ten minutes to decide which side it wishes to plead. If that Team fails to select, then the opposing Team has five minutes to do so. If the opposing Team fails to exercise its Pleading Option within a five-minute period, the higher-ranked Team will argue Applicant and the lower-ranked Team will argue Respondent.

(e) Once the sides have been determined, the Administrator will immediately notify both Teams. The Administrator will give each Team the appropriate Memorial of its opponent. The Teams will then be granted a reasonable time to prepare for the Moot.

## **8.8 Complaints Regarding Conduct of a Qualifying or Friendly Round**

- (a) A Team may submit a complaint to the Executive Director concerning one or more violations of the Official Rules that it alleges materially deprived it of an opportunity to advance to the International Rounds. Such complaint must be submitted to the Executive Director and the Administrator via email no later than 48 hours after the conclusion of the Qualifying Round. Such complaints should be concise. A Team's allegation, however well supported, that the judges in a given Oral Round reached the wrong conclusion cannot be the basis for a complaint.
- (b) Required Contents of a Complaint. A complaint must include the following information:
- (i) the Team number, school, and contact information of the complaining Team;
  - (ii) the specific facts constituting the alleged violation(s);
  - (iii) a description of how the violation(s) materially deprived the team of an opportunity to advance to the International Rounds; and
  - (iv) the identities and contact information of any witnesses to the violation(s).
- (c) Unless directed to do so by the Executive Director, a Team shall not discuss its complaint with any judges or other witnesses to the alleged violation(s) until after the final decision on the complaint is delivered by the Executive Director.
- (d) If, at the time a violation occurs, a Team that is aware of the violation fails to bring it to the attention of the Administrator, and if such violation could have been remedied by prompt action of the Administrator, the Team shall have waived any complaint based upon that violation.
- (e) Only a Team claiming that, as a result of a violation, it was materially deprived of an opportunity to advance to the International Rounds shall have standing to file a complaint based upon that violation. Any other allegations of violations shall be treated as comments or suggestions under Rule 8.8(h).
- (f) The Executive Director will promptly investigate a complaint. Such investigation will focus on whether the alleged violation actually occurred and, if so, whether the violation materially deprived the Team of an opportunity to advance to the International Rounds. Such investigation may entail discussions with the Administrator, judges, other Teams, and interested and disinterested observers. Even when it is determined that a violation occurred, the Executive Director may conclude that the violation did not materially deprive the Team of an opportunity to advance to the International Rounds.
- (g) If the Executive Director concludes that a violation occurred and materially deprived the complaining Team of an opportunity to advance to the International Rounds, he or she shall impose an appropriate remedy, including but not limited to: overruling the results of one or more Elimination Rounds; changing the Team declared as the winner of the Round; inviting one or more additional Teams to attend the International Rounds

as additional representatives of the Jurisdiction in question; or issuing a formal apology to the complaining Team(s).

(h) Teams are encouraged to offer suggestions to the Administrator or the Executive Director for the improvement of the Competition.

(i) Teams participating in a Friendly Round may not make a complaint under Rule 8.7, but are encouraged to make suggestions under Rule 8.7(h).

## **OFFICIAL RULE 9: INTERNATIONAL ROUNDS**

### **9.1 Eligibility**

All Representatives approved for that purpose by the Executive Director are eligible to compete in the International Rounds.

### **9.2 Structure**

The International Rounds shall consist of (i) the Preliminary Rounds, (ii) the Advanced Rounds, (iii) the Elimination Rounds, and (iv) the World Championship Jessup Cup Round.

### **9.3 Scheduling Conflicts**

(a) By a date set out in the Official Schedule, each Team shall submit its availability for the Preliminary Rounds, and Advanced Rounds. The Teams shall indicate at the same time whether there are any religious observances or similar concerns that might affect the Team's availability. The Executive Director will make every effort to make appropriate scheduling accommodations.

(b) By dates set out in the Official Schedule, the Executive Director shall provide to each Team a provisional schedule for each of the Preliminary Rounds and Advanced Rounds. The Teams will be given the period set out in Official Rules to request changes or adjustments to the Executive Director prior to their schedules being finalized.

### **9.4 Preliminary Rounds**

The Preliminary Rounds of the International Rounds consist of four Matches, with each Team pleading twice as Applicant and twice as Respondent.

### **9.5 Pairings for the Preliminary Rounds**

(a) The Executive Director shall establish the pairings for the Preliminary Rounds, in the first instance, by reference to the Memorial Scores. The Executive Director may modify the draw to ensure (i) geographical and competitive diversity, (ii) balance, (iii) that no Team is required to commence a Moot before 7:00 am or after 9:00 pm in whichever time zone the Team designates on its Team Homepage, and (iv) the best interests of the Competition.

(b) Pairings for the Preliminary Rounds and the Memorials of opposing Teams will be distributed to Teams by the date set forth in the Official Schedule.

(c) The Executive Director may subsequently modify the pairings to account for absent Teams or other unforeseen contingencies. In such case, the Executive Director will notify affected Teams and deliver their opponents' Memorials as soon as possible.

## **9.6 Advanced Rounds**

The Advanced Rounds of the International Rounds consist of four Matches, with each Team pleading twice as Applicant and twice as Respondent.

## **9.7 Determining the Teams Advancing to the Advanced Rounds**

The Teams advancing from the Preliminary Rounds to the Advanced Rounds at the International Rounds shall be determined as follows:

(a) The 90 highest ranked Teams from the Preliminary Rounds shall advance, save that no more than 12 Teams from any one Jurisdiction may advance (the "National Limit"). If after the application of the National Limit there are fewer than 90 Teams identified, then the next highest ranked Teams not from a Jurisdiction subject to the National Limit shall advance until 90 Teams are identified. If, once the National Limit has been applied, there are any Teams with the same number of wins, draws, and Total Raw Score as the lowest ranked Team to advance, after the application of Rule 10.9(a)-(c), then all of those Teams will advance.

(b) To ensure that Teams from at least fifty percent of the Jurisdictions which participate in the Preliminary Rounds of the International Rounds are represented in the Advanced Rounds, in addition to the Teams identified in Rule 9.7(a), the highest ranked Team from any Jurisdiction not represented among the Teams identified in Rule 9.7(a), shall advance, until the minimum number of fifty percent of Jurisdictions is achieved.

(c) For these purposes of this Rule a nation which is sub-divided into regions for the purposes of Qualification Rounds shall be treated as a single Jurisdiction.

## **9.8 Pairings for the Advanced Rounds**

- (a) Teams that qualify for the Advanced Rounds shall be divided into four groups of equal size, or as near equal as possible, based upon the results from the Preliminary Rounds. Each Team will Moot against a Team from each of the four groups.
- (b) Thereafter the pairings for the Advanced Rounds shall be determined by a random draw in the first instance. The draw will be subject to modification to ensure (i) that no Team is required to commence a Moot before 7:00 am or after 9:00 pm in the time zone the Team designates on its Team Homepage, (ii) that no Teams that have previously faced one another in the Preliminary Rounds of the International Rounds shall be paired together in the Advanced Rounds and (iii) the best interests of the Competition.
- (c) Pairings for the Advanced Rounds and the Memorials of opposing Teams will be distributed to Teams by the date set forth in the Official Schedule.
- (d) The Executive Director may subsequently modify the pairings to account for absent Teams or other unforeseen contingencies. In such case, the Executive Director will notify affected Teams and deliver their opponents' Memorials as soon as possible.

## **9.9 Elimination Rounds**

The Elimination Rounds of the International Rounds consist of the Round of 32, the Octofinal Round, the Quarterfinal Round, the Semifinal Round, and the World Championship Round. The 32 highest-ranked Teams at the end of the Advanced Rounds shall participate in the Elimination Rounds. The Teams which win a Match in the Round of 32 shall proceed to the Octo-Final. The same shall occur with each subsequent Elimination Round.

## **9.10 Pairings for the Elimination Rounds**

In each Elimination Round of the International Rounds, except for the World Championship Round, the pairings shall be determined by use of "power-seeding," *i.e.*, the highest-ranked Team shall compete against the lowest-ranked Team; the second-highest-ranked Team shall compete against the second-lowest-ranked Team, *etc.* For the purposes of this Rule, all rankings shall be determined by the final standings at the end of the Advanced Rounds.

## **9.11 Adjustment to Pairings in the Elimination Rounds**

- (a) *Round of 32*
  - (i) If twelve Teams from a given nation advance to the Round of 32, the fifth-ranked Team shall be paired against the twelfth-ranked Team, the sixth-ranked Team against the eleventh-ranked

Team, the seventh-ranked Team against the tenth-ranked Team, and the eighth-ranked Team against the ninth-ranked Team. All Teams not affected by this qualification shall then be paired according to the general pairing Rules.

- (ii) If eleven Teams from a given nation advance to the Round of 32, the sixth-ranked Team shall be paired against the eleventh-ranked Team, the seventh-ranked Team against the tenth-ranked Team, and the eighth-ranked Team against the ninth-ranked Team. All Teams not affected by this qualification shall then be paired according to the general pairing Rules.
- (iii) If ten Teams from a given nation advance to the Round of 32, the seventh-ranked Team shall be paired against the tenth-ranked Team, and the eighth-ranked Team against the ninth-ranked Team. All Teams not affected by this qualification shall then be paired according to the general pairing Rules.
- (iv) If nine Teams from a given nation advance to the Round of 32, the eighth-ranked Team shall be paired against the ninth-ranked Team. All Teams not affected by this qualification shall then be paired according to the general pairing Rules.

(b) *Octofinal Round*

- (i) If eight Teams from a given nation advance to the Octofinal Round, the first-ranked Team shall be paired against the eighth-ranked Team, the second-ranked Team against the seventh-ranked Team, the third-ranked Team against the sixth-ranked Team, and the fourth-ranked Team against the fifth-ranked Team. All Teams not affected by this qualification shall then be paired according to the general pairing Rules.
- (ii) If seven Teams from a given nation advance to the Octofinal Round, the second-ranked Team shall be paired against the seventh-ranked Team, the third-ranked Team against the sixth-ranked Team, and the fourth-ranked Team against the fifth-ranked Team. All Teams not affected by this qualification shall then be paired according to the general pairing Rules.
- (iii) If six Teams from a given nation advance to the Octofinal Round, the third-ranked Team shall be paired against the sixth-ranked Team, and the fourth-ranked Team against the fifth-ranked Team. All Teams not affected by this qualification shall then be paired according to the general pairing Rules.
- (iv) If five Teams from a given nation advance to the Octofinal Round, then the fourth-ranked Team shall be paired against the fifth-ranked Team. All Teams not affected by this qualification shall then be paired according to the general pairing Rules.

(c) *Quarterfinal Round*

- (i) If four Teams from a given nation advance to the Quarterfinal Round, the first-ranked Team from such nation shall be paired against the fourth-ranked Team from such nation, and the second-ranked Team shall be paired against the third-ranked Team. All Teams not affected by this qualification shall then be paired according to the general pairing Rules.
  - (ii) If three Teams from a given nation advance to the Quarterfinal Round, the second-ranked Team from such nation shall be paired against the third-ranked Team. All Teams not affected by this qualification shall then be paired according to the general pairing Rules.
- (d) Semifinal Round. If two Teams from a given nation advance to the Semifinal Round, those two Teams shall be paired against one another. The other two Teams will also be paired against one another.
- (e) The Executive Director may adjust the Elimination Round pairings in an equitable manner so as to ensure as far possible:
- (i) that no Team is required to commence a Moot before 7:00 am or after 9:00 pm in the time zone the Team designates on its Team Homepage up to and including in the Quarterfinal Round; and
  - (ii) that no two Teams that have already faced each other in the International Rounds shall be paired together, up to and including in the Octofinal Round.

#### **9.12 Pleading Option in the Elimination Rounds**

- (a) Prior to the commencement of the International Elimination Rounds, the Executive Director will give each competing Team a copy of its completed Team master scoresheet.
- (b) In the Round of 32, the higher-ranked Team at the end of the Advanced Rounds shall have Pleading Option.
- (c) The Executive Director shall choose a means of random decision for determining the Pleading Option for the Octo-Final and all subsequent Elimination Rounds.
- (d) The Team with the pleading option has ten minutes to decide which side it wishes to plead. If that Team fails to select, then the opposing Team has five minutes to do so. If the opposing Team fails to exercise its Pleading Option within a five-minute period, the higher-ranked Team will argue Applicant and the lower-ranked Team will argue Respondent.
- (e) Once the sides have been determined, the Administrator will immediately notify both Teams. The Administrator will give each Team the appropriate Memorial of its opponent. The Teams will then be granted a reasonable time to prepare for the Moot.

## **OFFICIAL RULE 10: COMPETITION SCORING**

### **10.1 Basis for Scores**

Judges are instructed to judge the Teams on the overall quality of their performances, not on the underlying merits of the case.

### **10.2 Preliminary and Advanced Rounds**

- (a) Scoring of the Preliminary and Advanced Rounds shall consist of two parts: the written Memorials and the Moot.
- (b) Each Memorial judge will score each Memorial on a scale of 50 to 100 points.
- (c) Each Moot judge will score each oralist on a scale of 50 to 100 points.

### **10.3 Calculation of Scoring Points**

Two categories of points shall be awarded to Teams in each Match: Raw Score and Round Points.

### **10.4 Raw Scores**

The calculation of Raw Scores shall be subject to the deduction of Penalty points under the provisions of Rule 11.

- (a) **Memorial Raw Scores:** In each Match, the Total Memorial Raw Score for each Team is the sum of the three Memorial judges' scores for the side the Team argued in that Match. A Team's Total Competition Memorial Raw Score is the sum of the six scores for its Applicant and Respondent Memorials. This score shall be used to determine Best Memorial Awards.
- (b) **Oral Raw Score:** In each Match, a Team's Total Oral Raw Score is the sum of the scores of the three judges for each of its two oralists.
- (c) **Total Raw Scores:** In each Match, a Team's Total Raw Score is the sum of the Team's Total Memorial Raw Score and Total Oral Raw Score for that Match. A Team's Total Competition Raw Score is the sum of the Total Raw Scores from each of its Matches.

### **10.5 Round Points**

- (a) **Memorial Round Points:** In each Match, a total of three Round Points will be awarded based on a comparison of the highest, middle, and lowest scores on Memorials. The Memorials to be compared correspond to the side that the Team argued in that Match (in other words, the scores of the Applicant Team's Applicant Memorials are compared with the scores of the Respondent Team's Respondent Memorials). For each comparison, the Team with the higher score is awarded one Round Point. Hence, the highest score given by a

Memorial judge for one Team is compared to the highest score given the other Team, and one Round Point is awarded to the Team with the higher of these scores. Similarly, the two middle scores, and then the two lowest scores, are compared to determine which Team receives the second and third Round Points. If in any such comparison the two Teams' scores are equal, each Team is awarded one-half of a Round Point.

(b) Oral Round Points: In each Match, a total of six Round Points is awarded based on a comparison of combined oral argument scores. The sum of each judge's score for Applicant's two oralists is compared to the sum of that judge's scores for Respondent's two oralists. For each judge, the Team with the highest combined oralist score is awarded two Round Points. If in any such comparison, the two Teams' scores are equal, each Team is awarded one Round Point.

(c) Total Round Points: In each Round, a Team's Total Round Points is the sum of the Team's Memorial Round Points and Oral Round Points.

#### **10.6 Two-Judge Panels**

If only two judges score a given Memorial or a given Moot, the Administrator shall create a third score and scoresheet by averaging the scores of the two judges.

#### **10.7 Four or more-Judge Panels for Memorials**

If four or more judge panels are used to evaluate Memorials, the Administrator shall utilize the same number of scores to evaluate all Memorials. The Administrator shall identify the score that is furthest from the mean of all scores, and that score and the scoresheet on which it appears shall be disregarded. If necessary, this step shall be repeated until only three scores remain. The three remaining scores shall be utilized for the purpose of determining Raw Scores, Round Points, and Memorial rankings and prizes. No more than five scores shall be utilized for the process of disregarding the score furthest from the mean.

#### **10.8 Determining the Winner of a Preliminary or Advanced Round Match**

In any given match, the Team receiving more of the nine available Round Points wins the Match. If the two Teams each receive 4.5 Round Points, the Team with the higher Total Raw Score wins the Match. If the two Teams have an equal number of Round Points and an equal Total Raw Score, the Match is a draw. The same method is deployed if a Match is determined solely on Memorial scores under Rule 7.18(a).

#### **10.9 Preliminary Round Rankings**

(a) Teams shall be ranked by number of wins in the Preliminary Rounds, from highest to lowest.

- (b) If two or more Teams have the same number of wins, the Team having the higher number of draws shall be ranked higher.
- (c) If two or more Teams have the same number of wins and the same number of draws, the Team having the higher Total Competition Raw Score from the Preliminary Rounds shall be ranked higher.
- (d) If two or more Teams have the same number of wins, the same number of draws and the same Total Competition Raw Score, the Team with the higher Total Competition Round Points from the Preliminary Rounds shall be ranked higher.

#### **10.10 Tie-Breaking Procedure – Qualifying and Friendly Rounds**

If two or more Teams are tied after application of Rule 10.9, and the outcome of the determination does not affect (i) any Team's entry into the Elimination Rounds, or (ii) the pairing of any Teams in the Elimination Rounds of the Round, the Teams shall be ranked equally. If, however, further determination is necessary to determine advancement or pairings, the rankings shall be accomplished as follows:

- (a) If only two Teams are tied and if the tied Teams have faced each other in the Preliminary Rounds, the winner of that Match shall be ranked higher.
- (b) If two or more Teams are tied and the Teams have not faced each other in the Preliminary Rounds, the Administrator shall break the tie according to the following methods, starting with the first and working down only if the prior method does not break the tie:
  - (i) the Team with the higher total oralist and Memorial score average wins, calculated by adding the Team's Total Competition Oral Raw Score divided by 24 and the Team's Total Competition Memorial Raw Score divided by six;
  - (ii) the Team whose opponents won more Matches wins, calculated by adding the number of wins of the Teams' opponents and for this purpose only, counting a draw as one-half of a win;
  - (iii) the Team wins whose opponents scored higher, calculated by adding the Total Raw Scores of the Teams' opponents;
  - (iv) the Team with the higher total oralist score average wins, calculated by dividing the Total Competition Oral Raw Score by 24; or
  - (v) the Administrator determines a method to break the tie, taking into account the interests of the Teams and the Competition as a whole.

### **10.11 Scoring Procedures for Elimination Rounds – Qualifying and Friendly Rounds**

The following scoring procedures and guidelines shall apply to Elimination Rounds of National, Regional, and Friendly Rounds. Judges of Elimination Rounds shall make an independent review of the Team Memorials and oral arguments, taking both into account, although they need not give any particular fixed weight to either Memorials or oral arguments. The decision regarding the winner of the Round shall be by majority vote of the judges. No ties are allowed.

### **10.12 Entry into the Advanced Rounds of the International Rounds**

If two or more Teams are tied after application of Rule 10.9(a) to (c) at the conclusion of the Preliminary Rounds of the International Rounds, all such Teams shall advance to the Advanced Rounds.

### **10.13 Advanced Round Rankings – International Rounds**

- (a) Teams shall be ranked by number of wins in the Preliminary and Advanced Rounds taken cumulatively, from highest to lowest.
- (b) If two or more Teams have the same number of wins, the Team having the higher number of draws shall be ranked higher.
- (c) If two or more Teams have the same number of wins and the same number of draws, the Team having the higher Total Raw Score from the Preliminary and Advanced Rounds shall be ranked higher.
- (d) If two or more Teams have the same number of wins, the same number of draws and the same Total Raw Score in the Preliminary and Advanced Rounds, the Team with the highest Total Raw Score in the Advanced Rounds shall be ranked higher.
- (e) If two or more Teams have the same number of wins, the same number of draws and the same Total Raw Score for both the Preliminary and Advanced Rounds taken together and for the Advanced Rounds taken alone, the Team with the higher Total Round Points from the Preliminary and Advanced Rounds shall be ranked higher.
- (f) If two or more Teams have the same number of wins, the same number of draws and the same Total Raw Score for both the Preliminary and Advanced Rounds taken together and for the Advanced Rounds taken alone, and the same number of Total Round Points from the Preliminary and Advanced Rounds taken together, the Team with higher Total Round Points from the Advanced Rounds shall be ranked higher.

#### **10.14 Tie-Breaking Procedure – Advanced Rounds of the International Rounds**

If two or more Teams are tied after application of Rule 10.13, and the outcome of the determination does not affect (a) any Team's entry into the Elimination Rounds, or (b) the pairing of any Teams in the Elimination Rounds, the Teams shall be ranked equally. If, however, further determination is necessary to determine advancement or pairings, the rankings shall be accomplished as follows:

- (a) If only two Teams are tied and if the tied Teams have faced each other in the Preliminary Rounds or the Advanced Rounds, the winner of that match shall be ranked higher.
- (b) If two or more Teams are tied and the Teams have not faced each other in the Preliminary Rounds or the Advanced Rounds, the tie shall be broken by the following methods, starting with the first and working down only if the prior method does not break the tie:
  - (i) the Team with the higher total oralist and Memorial score average wins, calculated by adding the Team's Total Oral Raw Score from the Preliminary and Advanced Rounds divided by 48 and the Team's Total Competition Memorial Raw Score divided by 6;
  - (ii) the Team whose opponents in the Preliminary and Advanced Rounds won more matches wins, calculated by adding the number of wins of the Teams' opponents and for this purpose only, counting a draw as one-half of a win;
  - (iii) the Team wins whose opponents scored higher, calculated by adding the Total Raw Scores of the Teams' opponents;
  - (iv) the Team with the higher total oralist score average wins, calculated by dividing the Total Oral Raw Score by 48; or
  - (v) the Executive Director determines a method to break the tie, taking into account the interests of the Teams and the Competition as a whole.

#### **10.15 Elimination Rounds – International Rounds**

In each Elimination Round of the International Rounds, except for the Semifinal Round and Championship Round, scoring for each Match shall be conducted according to this Rule. Judges must not disclose to the Teams the exact score in each match, and each judge's determination; only the identity of the winning Team shall be revealed.

- (i) Three judges shall read the Applicant Memorial of the Team arguing Applicant and the Respondent Memorial of the Team arguing Respondent. The Team whose Memorial each judge determines is superior will receive one point. No judge may split his or her point. Thus, three

points are allocated by the Memorials judges. Penalties from the Preliminary and Advanced Rounds shall not apply in the Elimination Rounds.

- (ii) Three judges shall sit for the Moot. The Team whose presentation each judge determines is superior will receive two points from that judge. If a judge determines that the two oral presentations were of equal quality, each Team will receive one point. Thus, six points in aggregate are allocated by the Moot judges.
- (iii) The winner of the Match is the Team with the greater of the nine points allocated by Memorials and Moot judges.

#### **10.16 Semifinal Round and World Championship Round – International Rounds**

Judges of the Semifinal Round and the World Championship Round shall follow the guidelines set out in Rule 10.11 for determining the winner of the Match.

#### **10.17 Ranking of Oralists**

Individual oralists who have argued in two or more Preliminary Rounds shall be ranked from highest to lowest average oral score by the Administrator. An oralist's average oral score is the average of the scores awarded to that individual by each judge during the Preliminary Rounds, excluding the single lowest score awarded to the oralist. If two or more oralists are tied for purposes of Awards, the Administrator shall break the tie by comparing average oral scores without excluding the single lowest score. The same process shall be used to determine the oralist rankings for the Advanced Rounds. There shall be a further ranking combining the scores of those oralists who argued at least twice in the Preliminary and twice in the Advanced Rounds using the same method.

*Example: Milo argued in two Preliminary Round Moots. In his first appearance, the three judges awarded him a 90, an 85, and an 81. In his second appearance, the three judges awarded him an 89, an 85, and an 80. In determining his average oral score, the Administrator would disregard the 80 he received in the second Moot (his lowest mark). So his score would be the sum of her other five scores (430), divided by the number of judges whose scores were counted (5), for an average oral score of 86.0.*

#### **10.18 Ranking of Memorials**

Total Memorial scores for each Team shall be determined by adding the Total Raw Score of a Team's Applicant Memorial and the Total Raw Score of the Respondent Memorial, for a total of six judges' scores. Team

Memorials shall be ranked by the Administrator from the highest Total Memorial score to the lowest. Ties are permitted. Scores shall be adjusted for Penalties per Rule 11.

### **10.19 Reporting of Results**

After the conclusion of a Qualifying or Regional Round, each participating Team shall receive the information set out in the applicable National Supplement. After the conclusion of the International Rounds, each participating Team shall receive:

- (i) a copy of individual Moot judges' scoresheets and Penalties, if any, with any attendant comments from Preliminary and Advanced Rounds;
- (ii) a copy of the Overall Rankings of the Preliminary and Advanced Rounds, with the Total Win-Loss records, Overall Raw Scores, and Overall Round Points;
- (iii) a copy of the oralist Rankings from the Preliminary and Advanced Rounds;
- (iv) a copy of the Memorial Rankings; and
- (v) a summary of the Elimination Rounds of the competition.

## **OFFICIAL RULE 11: PENALTIES**

### **11.1 Memorial Penalties**

- (a) Memorial Penalties will be imposed by an Administrator designated by the Executive Director and shall be deducted from each of the individual judges' scores on a Team's Memorial. In the event that a Memorial is scored by only two judges under Rule 10.6, penalties shall be deducted from each of the two judges' scores prior to calculating the third score.
- (b) The minimum adjusted raw score that any Team may receive from any individual Memorial judge is 50 points. No further reduction may be made to scores after the minimum score is reached, regardless of unallocated Penalty points remaining.
- (c) In instances where only one Memorial is subject to Penalties, those Penalties will be deducted from the scores of that Memorial only.
- (d) The Executive Director shall notify all affected Teams of imposed Penalties by the date set forth in the Official Schedule, and shall include with such notification a reasonable deadline for any appeals from the decision to impose Penalties. A Team may appeal any Penalty imposed against its Memorials by completing the reconsideration form located on the Team Homepage. The Executive Director shall decide any reconsideration request. No appeal is available from this decision of the Executive Director.

(e) Penalties shall be assessed for violations of the Rules concerning Memorials by reference to the following table:

Rule	Summary	Penalty	
5.1, 5.2	Tardiness in submitting Memorial to ILSA	5 points for first day, 3 points per day thereafter. If both Memorials have not been submitted by the Disqualification Deadline, the Team will be withdrawn from the Competition.	
5.1(c)	Resubmission of Memorial after deadline	2 points	
5.5	Failure to remove Tracked Changes or Comments	Up to 5 points (one-time penalty)	
5.6	Failure to include all parts of Memorial, or inclusion of an un-enumerated part	2 points for each part	
5.7	Failure to include necessary and correct information on Memorial Cover Page	2 points (one-time penalty)	
5.12	Excessive length: Pleadings	1-100 words over	3 points
		101-200 words over	6 points
		201-300 words over	9 points
		301-400 words over	12 points
		401+ words over	15 points
5.12	Excessive length: Summary of Pleadings	2 points (one-time penalty)	
5.12	Excessive length: Statement of Facts	2 points (one-time penalty)	
5.12	Word Count Manipulation	1 point per instance, up to a maximum of 10 points per Memorial.	
5.14	Improper citation of authority	1 point per instance, up to a maximum of 5 points per Memorial.	
5.15, 2.17	Violation of anonymity in Memorial	Up to 10 points (one-time penalty), or disqualification	
11.2	Plagiarism	1 to 50 points, or disqualification	

## 11.2 Plagiarism

Teams shall not commit plagiarism. "Plagiarism" means appropriating the literary composition of another, or parts or passages of another's writings, or the ideas or language of another, and passing them off as the product of one's own mind. Administrators shall refer all allegations of plagiarism to the Executive Director. After

investigation and review, in a verified case of plagiarism, the Executive Director may (1) disqualify the Team, (2) assess a Penalty between one and 50 points to each offending Memorial, with the Penalty corresponding to the degree of the violation in the judgment of the Executive Director, and/or (3) notify the Team’s dean and/or other institution official(s).

**11.3 Moot Penalties**

The Administrator shall impose a Moot Penalty, if necessary after consultation with the judges, bailiff, Teams, and/or observers.

**11.4 Deduction of Penalties by Judges Prohibited**

Penalty points may be deducted only by the Administrator. Judges may not deduct any Penalty points from the scores of the oralists. Judges shall score the Moot as if no violation occurred, and may take an infraction into account only if so instructed by the Administrator.

**11.5 Activity Subject to Moot Penalties**

Penalties may be assessed for violations during a Moot by reference to the following table. The Administrator shall deduct the Penalty amount from each judge’s combined score (the sum of the judge’s score for oralist 1 and oralist 2) before determining the Oral Round Points.

<b>Rule</b>	<b>Summary</b>	<b>Penalty</b>
6.11, 6.12, 7.9 & 7.10	Improper courtroom communications	Up to 10 points
6.14 & 7.20	Scouting	Forfeiture of one preliminary or advanced Match if indirect; forfeiture of all six oral Round Points if direct scouting, to be deducted in the Match against the Team that was scouted.  Forfeiture of Elimination Round in which scouting and forfeiture of prior Elimination Round victories with no retroactive effect on seeding.
6.17, 7.15, & 2.17	Violation of anonymity in courtroom	Up to 15 points, or disqualification.

**11.6 Notice and Appeals**

The Administrator shall notify Teams of his or her decision regarding imposition of any Moot Penalty as soon as practicable. Along with the decision, the Administrator shall set a reasonable deadline by which either Team may appeal to the Executive Director. If an appeal is submitted, the Executive Director shall consult with the Administrator in resolving it. The Executive Director's decision on all appeals is final.

### **11.7 Discretionary Penalties**

(a) In addition to the Penalties listed in Rule 11.5, the Administrator may assess up to 15-point Discretionary Penalties for other violations of the letter or spirit of these Rules. The size of the Penalty shall correspond to the degree of the violation in the judgment of the Administrator. Discretionary Penalties may be imposed upon a Team for conduct of its Team Members or of persons affiliated with the Team, such as:

- (i) poor sportsmanship;
- (ii) submitting multiple frivolous complaints against other Teams;
- (iii) inappropriate behavior at the counsel table during an In-Person Moot or inappropriate behavior between Team Members and or Team Advisors during an Online Moot;
- (iv) blatant disregard for the procedures or requirements outlined in the Rules.

(b) Serious breaches of sportsmanship, for example, inappropriate *ex parte* communications with competition judges either before or after a Moot may, at the sole discretion of the Executive Director, result in a Team being disqualified from the Competition.

### **11.8 De Minimis Rule**

The Administrator may waive or reduce the penalty for a *de minimis* Rule violation.

## **OFFICIAL RULE 12: AWARDS**

### **12.1 The World Championship**

The Team that wins the World Championship will receive two awards: a trophy to keep, and the Jessup Cup to hold in trust for one year at its institution. Such Team shall take full responsibility for the safety and condition of the Jessup Cup while it is in the Team's custody, and is responsible for returning the Jessup Cup in good condition to the Executive Director before the next year's International Rounds. The World Championship Team is responsible for engraving its institution's name on the Jessup Cup.

### **12.2 The Hardy C. Dillard Award**

The Hardy C. Dillard Award is presented to Teams for excellence in Memorial writing. The Memorials of the Team with the highest Total Memorial Scores in any Qualifying Competition shall be entered, without further action by the Team, to compete for the Hardy C. Dillard Award. Each entry for the Dillard Award shall be scored by a panel of four judges. See Rule 10.7 for scoring. Awards will be presented to the top five Teams, based on raw Memorial scores, unadjusted for penalties. The Executive Office shall assign new Team Numbers to be used on the covers of Memorials in order to preserve anonymity.

### **12.3 The Alona E. Evans Award**

The Alona E. Evans Award is presented to Teams for excellence in Memorial writing at the International Rounds. Awards will be presented to the top twenty Teams based on Total Memorial Scores in the International Rounds.

### **12.4 The Richard Baxter Awards**

The Richard Baxter Awards are presented to Teams for excellence in Memorial writing by comparing individual Applicant and Respondent Memorials. There are two Baxter Awards: one for the Best Overall Applicant Memorial and one for the Best Overall Respondent Memorial. The Applicant Memorials that were considered for the Alona E. Evans Award or a Hardy C. Dillard Award that received the highest ten Total Raw Scores for Applicant Memorials (unadjusted for Penalties) are entered into competition for the Best Overall Applicant Memorial. The Respondent Memorials that were considered for the Alona E. Evans Award or a Hardy C. Dillard Award that received the highest ten Total Raw Scores (unadjusted for Penalties) for Respondent Memorials are entered into competition for the Best Overall Respondent Memorial. The two winning Memorials shall be published in the corresponding year's issue of the ILSA Journal of International & Comparative Law.

### **12.5 The Spirit of the Jessup Award**

The Spirit of the Jessup Award was created in 1996 to recognize the Team that best exemplifies the Jessup spirit of camaraderie, academic excellence, competitiveness, and appreciation of fellow competitors. The manner in which the winner is selected will be announced in advance of the International Rounds.

### **12.6 Other Awards**

In each Competition, the Administrator shall arrange for appropriate recognition of the following: Teams that receive the top Total Memorial Scores, highest ranked oralists, and Teams that advance to the Elimination Rounds. The Board of Directors may by resolution provide for other awards, such as Best Oralist at the Final

Rounds, Best National Administrator, Outstanding Volunteer Service, and other categories as the Board may from time to time see fit.

