

**THE 2015 PHILIP C. JESSUP INTERNATIONAL LAW  
MOOT COURT COMPETITION**

**OFFICIAL RULES**

**THE OFFICIAL RULES  
OF  
THE 2015 PHILIP C. JESSUP INTERNATIONAL LAW  
MOOT COURT COMPETITION**



**WHITE & CASE**  
**JESSUP CUP**

## 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 the Official Rules of the Competition, the rules of any institution hosting a Competition event, and the laws of the host jurisdiction,

*Adopts* the following Official Rules of the Competition by resolution of the Board of Directors:

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## **OFFICIAL RULE 0.0 DEFINITIONS**

The following terms have the corresponding meanings.

"Administrator" means, with respect to any Qualifying or International competition, the person appointed to administer that competition.

"Advanced Rounds" means, with respect to any Qualifying or International competition, all of the applicable Championship Rounds, Semifinal Rounds, Quarterfinal Rounds, Octafinal Rounds, and Run-Off Rounds conducted at that competition.

"Applicant" means the side of the Team which argues on behalf of the Applicant state at any given point in the Competition.

"Bench Memorandum" means the memorandum of laws and authorities concerning the Competition Problem prepared by the ILSA Executive Office for the exclusive use of Competition judges, as described in Rules 2.14, 5.6 and 5.7.

"Competition" means the 2015 Philip C. Jessup International Law Moot Court Competition.

"Competition Problem" means the official Compromis of the Competition as supplemented, clarified, or corrected by the ILSA Executive Office.

"Competition Year" means the period starting on the date of the release of the official Compromis and ending at the conclusion of the International Rounds.

"Executive Director" means the Executive Director of the International Law Students Association.

"Exhibition Team" means a Team that is invited to participate in the International Rounds, but that is not eligible to win the Jessup Cup or the other awards associated with the International Rounds.

"ILSA Executive Office" means the executive office of the International Law Students Association.

"International Rounds" means the White & Case International Rounds, the final stage of the Competition, held each year in Washington D.C. among the Representatives from each nation.

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

"Qualifying Round" means any competition administered with the approval of the ILSA Executive Office through which a nation or geographic region determines the Team(s) that will advance to the International Rounds."

"National Rules Supplement" means a set of rules promulgated by an Administrator to supplement or modify the Official Rules for purposes of a Qualifying competition.

"Official Team Contact" means the individual identified by the Team during the registration process for receipt of official team correspondence.

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

"Oral Round" means a single match of oral presentation between two Teams, one representing Applicant and one representing Respondent, as described in Rule 7.0.

"Penalty" means the consequence of a rule violation, whether disqualification or the deduction of points pursuant to Rule 11.0.

"Plagiarism" means the act of 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, either through exact duplication of another's work or by lifting substantial portions without attribution.

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

"Regional Round" means any competition administered with the approval of the ILSA Executive Office through which a region determines the Team(s) that will advance to the International Rounds.

"Representative," "National Representative," or "Regional Representative" means a Team selected to represent its nation or region at the International Rounds, whether by Qualifying Rounds or by other means.

"Respondent" means the side of the Team which argues on behalf of the Respondent state at any given point in the Competition.

"Rules" means these Official Rules of the Competition and any applicable National Rules Supplements.

"Team" means a team of eligible students recognized by the ILSA Executive Office which registers to compete in the Competition, pursuant to Rule 2.0.

"Team Advisor" means an individual, such as a coach or faculty 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 at <http://www.ilsa.org>. To access the Team Homepage, Team Members must login to [www.ilsa.org](http://www.ilsa.org) and select the "MyILSA" link on the main menu.

"Team Number" means the official 3-digit number assigned by the ILSA Executive Office to each fully registered Team in accordance with Rule 3.5.

"Team Member" means any eligible student who should be registered as a competitor of a Team.

## **OFFICIAL RULE 1.0 ORGANIZATION OF THE COMPETITION**

### **1.1 Administration**

The Competition is presented annually by the International Law Students Association (ILSA). The Competition is administered by the Executive Director of ILSA. The ILSA Executive Office is located at 701 13<sup>th</sup> Street NW, Washington, DC 20005, U.S.A., tel: +1 (202) 729-2470, fax: +1 (202) 639-9355, email: [ilsa@ilsa.org](mailto:ilsa@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, and 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 ILSA 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**

(a) The Competition consists of two levels: (1) Qualifying Rounds, and (2) the International Rounds. Qualifying Rounds are held in each nation or region where more than one Team participates in the Competition. The International Rounds represents the final level of the Competition, designated as the International Rounds, and includes Preliminary Rounds, Advanced Rounds, and the World Championship Jessup Cup Round. Each competition consists of written pleadings (Memorials) and oral pleadings (Oral Rounds).

(b) The Executive Director will determine the exact number of Teams participating in the International Rounds and the manner in which they are chosen, provided that each participating nation is permitted to enter at least one (1) Team in the International Rounds of the Competition for every ten (10) Teams participating in that nation's Qualifying competition(s). In nations where only one Team participates, that Team is the National Representative to the International Rounds.

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

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

### **1.4 Administrators**

(a) The Executive Director will appoint an Administrator for each Qualifying competition. The Executive Director will inform Teams of the name and contact information of the Administrator of their



Qualifying competition as soon as practicable. The Administrator will designate the date and location for the Qualifying competition and must conduct the Qualifying competition consistent with these Rules and in consultation with the Executive Director.

(b) An Administrator may not serve as a Team Advisor or in any other way assist a Team registered in his or her Qualifying competition. An Administrator may not act as a judge in actual or exhibition Rounds of his or her Qualifying competition.

### **1.5 National Rules Supplement**

(a) The ILSA Executive Office encourages all Administrators to formulate a National Rules Supplement for their Qualifying Rounds.

(b) National Rules Supplements must be submitted to and approved by the ILSA Executive Office before they may be adopted and enforced by an Administrator. An Administrator shall submit a National Rules Supplement to the ILSA Executive Office for approval as soon as practicable but no later than two weeks prior to the commencement of the Qualifying competition, unless the National Rules Supplement modifies the memorial submission procedure, in which case no later than two weeks prior to the memorial submission deadline indicated in the Official Schedule.

(c) An Administrator must submit a National Rules Supplement for approval by the ILSA Executive Office if:

(i) the Administrator intends to introduce additional rules or otherwise modify the Official Rules, taking into consideration the needs of the Qualifying competition and the best interests of the Competition;

(ii) the ILSA Executive Office requests the Administrator to adopt a National Rules Supplement.

(d) Upon approval of a National Rules Supplement, the ILSA Executive Office shall post that National Rules Supplement on the Jessup website, and the Administrator shall immediately notify every affected team that a National Rules Supplement has been approved and adopted.

### **1.6 Power to Promulgate Additional Measures**

The Executive Director may promulgate any other measures for the orderly conduct of the Competition or to correct deficiencies in the Competition. After the approval of a National Rules Supplement by the ILSA Executive Office pursuant to Official Rule 1.5, 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 competition. Any such proposed additional rules, modifications, or other measures shall not violate the spirit of these Rules or the best interests of the Competition. Any proposed

additional rules, modifications or other measures shall be submitted to the ILSA Executive Office as soon as practicable for approval in accordance with Official Rule 1.5, and once approved, codified by the Administrator in the National Rules Supplement and posted to the Jessup website.

### **1.7 Interpretation of Rules**

The Executive Director shall serve as final arbiter of implementation and interpretation of these Rules and of any National Rules Supplement.

## **OFFICIAL RULE 2.0 PARTICIPATION AND ELIGIBILITY**

### **2.1 Team Eligibility**

(a) All law schools, law faculties, and institutions with international law-related degree programs are eligible to participate in the Competition. All determinations of eligibility are in the discretion of the ILSA Executive Office. In certain exceptional cases, the ILSA Executive Office, in consultation with the relevant Administrator, may grant eligibility to institutions with degree programs in international relations, provided that adequate instruction in international law will be available to the Team.

(b) Each school may enter one Team. In extenuating circumstances, a duly authorized officer of the school may petition the ILSA Executive Office, in writing, to allow multiple Teams from that school. Such representation may be allowed if it is established that each Team fulfills the participation and registration requirements of these Rules and one of the following conditions is met: (i) a local competition would be difficult or impossible to hold due to school regulations, calendars or other circumstances beyond the control of the school or participating Teams; or (ii) the Teams represent different colleges, faculties, branches, departments, or campuses of the same school and will be participating independently of each other.

(c) A school located in one jurisdiction (the “home jurisdiction”) that has a permanent physical campus in another jurisdiction (the “foreign jurisdiction”) that wishes to register a Team in the foreign jurisdiction must petition the ILSA Executive Director in writing. The ILSA Executive Director may consult with the Qualifying Administrator in the home jurisdiction and the foreign jurisdiction, may request additional information from the petitioning school, and may conduct independent investigation. The ILSA Executive Director may grant or withhold permission to enter such team in the best interests of the Competition and of the competition in the foreign jurisdiction. If granted, permission may be subject to such conditions as the ILSA Executive Director may determine, including in particular limitations on the composition of the Team (for example, a requirement that all Team members be enrolled full time at the foreign campus).

- (d) Teams which 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.
- (e) Any Team which is composed of more than five Team Members (Official Rule 2.2), or which utilizes improper outside assistance (Official Rule 2.8), the Bench Memorandum (Official Rule 2.14), or another Team's Memorial without authorization under these Rules (Official Rule 2.15) may be disqualified from the Competition.
- (f) All participating institutions must obtain special permission from the ILSA Executive Office to use the current Competition Year's competition materials, including, but not limited to, the Compromis, for any purpose other than participating in the Jessup Competition, including, but not limited to, conducting an internal moot court competition and Jessup Team try-outs. Teams from institutions that violate this rule may be disqualified from the Competition. Institutions that violate this rule may be deemed ineligible to participate in future years.

## **2.2 Team Composition and Selection**

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 are not permitted after the registration deadline in the Official Schedule except in extenuating circumstances and only with the written permission of the ILSA Executive Office.

## **2.3 Minimum requirements for Team Member eligibility**

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

- (a) is pursuing a law degree or an international law-related degree; 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 either (i) the Team Member registration deadline, (ii) the institution's Qualifying Rounds, or (iii) the International Rounds; and
- (c) has not engaged in the practice of law in any jurisdiction after graduating from any type of law degree program; and
- (d) has never participated as judge, either of Memorials or in any Oral Round.

## **2.4 ILSA Executive Office's written permission required in certain cases**

In addition to satisfying Rule 2.3, a person must request and obtain the written permission of the ILSA Executive Office to be a Team Member if the person:

- (a) is enrolled as a visiting or exchange student rather than as a degree candidate, or is otherwise enrolled at more than one institution;
- (b) is serving as an extern or apprentice in lieu of attending class; or
- (c) 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, Ph.D.); or
- (d) is enrolled in a program of study leading to a post-graduate degree in a legal field (e.g., Ph.D., D.Phil.).

***Note that 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 (c). 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(c).***

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

The Executive Director shall have the discretion to grant or deny eligibility in certain exceptional circumstances notwithstanding the provisions of Rule 2.3, 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 school, subject to the following provisions:

- (a) Selection by Intramural Competitions: If a school wishes to hold an intramural competition to determine the composition of its Team, the current Competition Problem may not be used unless approved in writing by the Executive Director. See Rule 2.1(f).
- (b) Schools that receive permission to use the current Competition Problem may not make publicly available (or otherwise available to another school's Team or advisors) any work created or research conducted during its selection process until after the International Rounds have concluded. A school's Team may be penalized even if the student who violates this rule was not selected for its Team. Violation of this Rule shall be penalized according to Rule 2.10.

## **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 approved National Rules Supplement, in accordance with these Rules.

## **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 members of the Team. Any Team that receives outside assistance may be penalized and may be disqualified from the Competition.

## **2.9 Assistance from Team Advisors**

As a general principle, a Team shall have no greater number of Team Advisors than is necessary to adequately prepare the Team for fair 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 option or similar strategy.

## **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. Assistance hereby prohibited includes, but is not limited to: giving the Team's notes or Memorials to an advancing Team; posting the Team's Memorials online such 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 tapes of previous rounds, whether practice rounds or competitive competition rounds, to an advancing Team. In certain circumstances, the Executive Director may allow for 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 Official 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, and any such work must be discarded.

### **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 with respect to the permissible advice which can be given to the Team.

### **2.13 Practice Rounds**

(a) Teams may organize "practice rounds" of oral pleadings involving the Competition Problem to prepare the Team for competition. In practice rounds, the persons presenting arguments for the Applicant and Respondent must be from the same Team.

(b) Registered Team Advisors may serve as judges in practice rounds held at any time provided they abide by the provisions of Rule 2.9 with respect to the permissible advice which can be given to the Team.

(c) Anyone who is not a registered Team Member or registered Team Advisor may not serve as a judge in practice rounds unless they:

- (i) do so only after the submission of Memorials;
- (ii) are not formally affiliated with any other Team in the Competition;
- (iii) have not obtained access to the bench memorandum and otherwise abide by the provisions of Rule 2.5 with respect to the confidentiality of the bench memorandum;
- (iv) confine their comments and feedback to general commentary on the advocacy style and technique of the speakers, and to commentary respecting the general rules of international law; and
- (v) refrain from making commentary or suggestions about specific substantive arguments.

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

(a) The Bench Memorandum is strictly confidential. The Executive Director will disqualify any Team which makes use of the Bench Memorandum. Teams who obtain a copy of the Bench Memorandum should immediately return it to the Executive Director without examining the contents.

(b) The Bench Memorandum may not be used at practice rounds or any other event that is not an official Qualifying Competition or the International Rounds.

(c) Individuals who have obtained access to the Bench Memorandum may not judge practice rounds.

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

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

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

Teams may request clarifications and corrections to the Compromis by submitting a written request to the ILSA 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, the ILSA Executive Office will publish Problem Clarifications and Corrections by the date in the Official Schedule. Each Team must ensure that it receives and adequately notes the Problem Clarifications and Corrections in preparation for the Competition.

### **2.17 Anonymity of Teams**

Teams must not reveal their school or country of origin to judges at any time during a competition. The Administrator may disqualify or impose a Penalty against any Team that intentionally or inadvertently discloses its school or country of origin to a judge, whether or not such disclosure occurs during an Oral Round.

## **OFFICIAL RULE 3.0 TEAM REGISTRATION**

### **3.1 Team Registration**

Each Team must register with the ILSA Executive Office by completing a registration form online at [www.ilsa.org](http://www.ilsa.org) and paying the appropriate registration fee by the registration deadline in the Official Schedule. Each Team must provide a valid email address at registration. Notice sent to the registered email address constitutes notice to all Team Members.

ILSA may promulgate additional rules and procedures as dictated by the best interests of the competition. 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 rule change or update was made available on the Team Homepage.

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

Teams unable to pay the registration fee may apply for a waiver or discount from the ILSA Executive Office. The ILSA Executive Office will grant waivers in exceptional circumstances only.

### **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 (5) Team Members that may constitute a 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. Only active, contributing Team Members may be registered as such. 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) Insofar as changing roles would not contravene any of the Official Rules, 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 with ILSA.

(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, before they begin 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 ILSA's decision regarding such requests. If the ILSA Executive Office 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 degree program in which each Team Member is enrolled must be registered with the ILSA Executive Office via the online registration form located under the "Profile" link on each Team's Team 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 ILSA 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 Team Homepage. An individual sitting only as a practice round 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, the ILSA Executive Office will assign the Team an official Team Number.

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

Teams must register their Team Members and Team Advisors by using the online registration form located under the “Profile” link on each Team’s Team Homepage. Once Team Members and Team Advisors are registered, Teams cannot make any changes, including to contact and mailing information. Any request to make a change must be submitted to [jessup@ilsa.org](mailto:jessup@ilsa.org) with an explanation of the reason for the change. Substitution of a Team Member is not permitted after the registration deadline except in extenuating circumstances and only with the written permission of the ILSA Executive Office. The ILSA Executive Office will record approved Team Member substitutions in the registration system. These registration obligations continue throughout the course of the Competition Year until the Team has been eliminated from the Competition.

***NOTE: In accordance with Rule 2.2, no more than five individuals may contribute to the work product of the Team over the course of the Competition Year.***

## **OFFICIAL RULE 4.0 [RESERVED]**

## **OFFICIAL RULE 5.0 JUDGES AND ELIGIBILITY TO JUDGE**

*General Rule:* The Executive Director, or the Administrator in consultation with the Executive Director, will determine the eligibility of persons to serve as judges in any competition, subject to the following provisions:

### **5.1 Students**

Students may act as judges only if they (a) hold a degree in law in any jurisdiction, and (b) are not directly affiliated with any Team participating in the competition at which they are judging.

### **5.2 Team Advisors**

Team Advisors, or other persons directly affiliated with a Team, may not act as judges in any competition until the Team they advise has been eliminated from the Competition, unless expressly permitted by an approved National Rules Supplement or otherwise approved by the Executive Director.

### **5.3 Anonymity of Teams**

Judges should not attempt to ascertain the school or country of origin of any Team during a competition. However, in circumstances where the judge believes his or her evaluation of a particular Memorial would be affected by knowledge of whether or not the primary language used by the Team Members in their legal studies is English, the judge may request the ILSA Executive Office to reveal this information.

### **5.4 Oral Round Conflicts of Interest**

(a) Definitions. For the purpose of this Rule 5.4, the following definitions shall apply:

(1) With respect to a given Oral Round, an “Affiliation” means a personal or professional relationship between a judge and a school, coach, or Team member that is participating in the competition in which the judge is participating.

(2) With respect to a given Oral Round, a “Conflict of Interest” means an Affiliation which would, in the eyes of a reasonable observer, create an inference that the affiliated judge would be unable to be impartial as to the conduct or result of the Oral Round. Reference should be had to Rule 5.4(f), which lists certain Affiliations, which do not per se constitute a Conflict of Interest.

(b) Prohibition and Mitigation of Conflict of Interest. The Administrator should avoid placing a judge into an oral round 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 on the Oral Round. Such steps might include: obtaining a waiver from both Teams in the Oral Round; 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 Oral Round and the subsequent deliberations to determine whether the Conflict of Interest affected the outcome of the Oral Round.

(c) Waiver by Consent of Both Teams. Any Conflict of Interest shall be cured by the express oral or written waiver, either before or after the Oral Round, of both Teams. In this event, neither Team may later file an appeal or other complaint on the basis of the Conflict of Interest. In addition:

(1) If a Team is aware of an Affiliation before the commencement of an Oral Round and fails to report it, as required under Rule 5.4(e), before the Oral Round begins, it shall be deemed to have waived the Conflict of Interest.

(2) If a Team becomes aware of an Affiliation after the completion of an Oral Round and fails to report as required under Rule 5.4(e) before the completion of the Tournament, it shall be deemed to have waived the Conflict of Interest.

(d) Prophylactic Avoidance of Conflicts. 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 Competition. The Administrator shall investigate any alleged Affiliation (whether self-reported by a judge or otherwise) and shall determine whether such Affiliation constitutes a Conflict of Interest.

(e) Reporting Obligation of Teams. If a Team believes that an Affiliation exists which may form the basis of a Conflict of Interest, it shall promptly inform the Administrator or the bailiff of the affected Oral Round. The bailiff will report any alleged Affiliations to the Administrator, who shall take appropriate steps to investigate and, if he or she determines that a Conflict of Interest exists, to eliminate or mitigate such Conflict of Interest. The Team's failure to timely inform the Administrator will constitute waiver under Rule 5.4(c).

(f) Affiliations Which Do Not Constitute Conflicts of Interest. 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:

- (1) the judge knows a Team member by reason of the member's participation in previous moot court competitions;
- (2) the judge knows one or both coaches, either because of professional or personal affiliation, prior participation in moot court competitions, or other reasons;
- (3) the judge is an alumnus of one of the schools participating in the Oral Round; and
- (4) the judge is an employee of one of the schools participating in the Oral Round where such employment is sufficiently remote from the activities of the Team as to dispel any reasonable suspicion of partiality.

## **5.5 Prior Viewing of Teams**

(a) Subject to Section 5.5(b), judges should not view a Team which they have viewed in a previous Oral Round. If a judge must view a Team twice, the Administrator should strive to ensure that the judge views the Team's opposite side.

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

## **5.6 Bench Memorandum**

Judges must keep the contents of the Bench Memorandum strictly confidential from Teams.

## **5.7 Commentary by Judges**

Judges are encouraged to provide direct feedback to Teams regarding the Teams' performance at the completion of an Oral Round. In providing such feedback, judges are admonished to 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 competition, Judges may not provide any feedback which would reveal the contents of the Bench Memorandum, the scores given to individual oralists, or the results of the Round.
- (b) In the Advanced Rounds of any competition, Judges may not provide any feedback which would reveal the contents of the Bench Memorandum or scores given to individual oralists. The results of the round may be revealed only if the judges are authorized to do so by the Administrator.

## **OFFICIAL RULE 6.0 MEMORIALS**

### **6.1 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 ILSA Executive Office via its Team Homepage (available through <http://www.ilsa.org>), and send its Applicant and Respondent Memorials to the Administrator, if any, at the e-mail address provided by the Administrator, no later than 18:00 (6:00 p.m.) Eastern Standard Time (EST) (UTC/GST – 5), on the date specified in the Official Schedule. Submission to the Administrator must occur in a single e-mail 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) In exceptional situations and upon approval of the Executive Director pursuant to Official Rule 1.5, an Administrator may modify the Memorial submission guidelines via a National Rules Supplement in the following ways:
  - (i) By establishing a deadline which is earlier, but not later, than the time and date specified in the Official Schedule. If an earlier deadline is set, the Memorials must be [uploaded](#) via the Team Homepage and emailed to the Administrator by this earlier deadline. Memorials received by the ILSA Executive Office after the earlier deadline will be subject to late penalties.

- (ii) By requiring electronic copies to be mailed to opponent Teams by the deadline and in the manner and form specified by the Administrator.
- (iii) By requiring paper copies to be mailed to the Administrator and/or opponent Teams by the deadline and in the manner and form specified by the Administrator. If the Administrator requests paper copies, the Administrator may specify a later postmark or courier deadline for the paper copies than for the electronic submission provided an electronic copy is sent to ILSA and the Administrator by the designated deadline for electronic copies.
- (d) All electronic and paper copy versions (if any) submitted to the ILSA Executive Office, the Administrator, or any other person must be identical.
- (e) Teams may resubmit their memorials without penalty until the memorial deadline has expired. Once the memorial deadline has expired, resubmitted Memorials will be subject to a two (2) point penalty, as well as any applicable late penalties.
- (f) Equipment failure or problems will not be considered an excuse for improper formatting or late submission of Memorials.

## **6.2 Disqualification Deadline**

Unless otherwise agreed in advance and in writing by the ILSA Executive Office, a Team will be disqualified from the Competition if it does not submit both of its Applicant and Respondent Memorials by 17:00 (5:00 p.m.) Eastern Standard Time (EST) (UTC/GST – 5) on the Disqualification Deadline for Memorial submission specified in the Official Schedule. Any Memorial submitted after the deadline for Submission of Memorials as defined by Official Rule 6.1(b) but prior to this Disqualification Deadline will be subject to applicable late penalties.

## **6.3 Memorials Submitted in Languages Other Than English**

If permitted by an applicable National Rules Supplement, Teams may submit Memorials for Qualifying Rounds in languages other than English. Teams must upload such Memorials in the original language via their Team homepage on or before the deadline indicated in the Official Schedule. Memorials of such Teams advancing to the International Rounds must be translated into English and submitted to the ILSA Executive Office at [jessup@ilsa.org](mailto:jessup@ilsa.org) no later than three (3) weeks prior to the start of the International Rounds. Unless otherwise agreed in advance and in writing by the ILSA Executive Office, failure to send translations by this date will result in disqualification of the Team. Such Memorials must otherwise conform to the required format outlined in these Rules. The translation of Memorials must be, to the greatest extent possible, verbatim translations of the originally submitted Memorials. 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.

#### **6.4 Memorial Formatting**

- (a) **File Type:** 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 will be subject to resubmission penalties under Rule 6.1(e).
- (b) **Paper Size/Margins:** All pages of the Memorial must be letter size, 8.5 x 11 inches (21.6 x 27.9 cm), with equal margins of at least one inch (2.54 cm) on all four sides. The ILSA 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) **Printing:** Administrators in jurisdictions where letter is the standard paper size must print Memorials on letter size paper for their Qualifying competition. Administrators in jurisdictions where A4 is the standard paper size may print Memorials on letter size or A4 size paper for their Qualifying competition. However, the document settings in Rule 6.4(b) for paper size and margins must not change.
- (d) **Font and Font Size:** The font and size of the text of all parts of the Memorial, excluding the Cover Page and page numbers but including the footnotes, must be in Times New Roman 12-point.
- (e) **Line Spacing:** The text of all parts of the Memorial must be double-spaced, except for the Cover Page, Table of Contents, Index of Authorities, headings, and footnotes. Quotations to sources outside of the Memorial may be block quoted (i.e. right and left indented) and may be single-spaced if the quotation (excluding footnotes) has at least fifty words.

#### **6.5 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 will be assessed up to a five (5) point penalty, and Administrators shall accept any tracked changes and remove any comments found in an affected Memorial before submitting it to judges.

## **6.6 Memorial Content**

- (a) The Memorial must contain the following parts:
- (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; and
  - (viii) Pleadings (including Conclusion/Prayer for Relief).
- (b) Parts not enumerated in paragraph (a), for example, a Table of Abbreviations, are prohibited.

## **6.7 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 Number 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 Respondent” or “Memorial for Applicant”).

## **6.8 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 authority is cited.

## **6.9 Statement of Facts**

Teams are advised that judges will take the following into account in evaluating the Statement of Facts. A well-formed 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 facts, distortions of stated facts, argumentative statements, or legal conclusions. The Competition Problem typically omits certain facts which might be relevant or dispositive to the outcome of the case. Participants will be judged on their ability to conform the facts to their arguments without creating new facts or drawing unreasonable inferences from the Competition Problem.

### **6.10 Summary of the Pleadings**

A well-formed 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.

### **6.11 Legal Argument Limited to Pleadings**

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

### **6.12 Length**

The word count shall be conducted using the standard "Word Count" feature in Microsoft Word 2003, Microsoft Word 2007, or Microsoft Word 2010.

(a) The Statement of Facts section, including the section title, any section headings, section sub-headings, conclusion, associated footnotes, signature block, or other language a team might elect to include, must be no longer than 1,200 words.

(b) The Summary of Pleadings section, including the section title, any section headings, section sub-headings, conclusion, associated footnotes, signature block, or other language a team might elect to include, must be no longer than 700 words.

(c) 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, or other language a team might elect to include, must be no longer than 9,500 words.

(d) Manipulation of the word count is prohibited and will be subject to appropriate penalties pursuant to Rule 11.1(e) and 11.8(a). For example, a Team may not, in order to reduce word count, remove spaces between words or abbreviations in citations where a space would normally occur using standard citation formats, use hyphens inappropriately, utilize non-breaking white spaces, or use macros or otherwise modify the on-board word processor dictionary.

### **6.13 Citation Requirement**

(a) 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 6.12.

*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).

#### **6.14 Citation Form**

Citations appearing in the Index of Authorities and footnotes of the Memorial must include a description of each authority adequate to allow a reasonable reader to identify and locate the authority in a publication of general circulation.

#### **6.15 Anonymity in Memorials**

Names of participants, and the nations or school name of Teams, may not appear on or within the Memorials. Signature pages are prohibited. The Administrators shall strike all references to Team Members, and countries or school names of Teams, from Memorials before submitting them to judges.

#### **6.16 Teams with Technological Limitations**

If a team is unable to comply with any portion of Official Rule 6.0 due to technological limitations, the Team may request alternative arrangements with the ILSA Executive Office. Any such request must be made as soon as possible and, at a minimum, two (2) weeks before the Memorial deadline.

#### **6.17 Four-Judge Panels at the International Rounds**

At the International Rounds, the Administrator shall employ four (4) judges to grade each Memorial. The Administrator shall identify the score that is furthest from the mean of all four (4) scores and discard that score and the scoresheet on which it appears. The three (3) remaining scores shall be utilized throughout the Competition for the purpose of determining team match wins and team memorial rankings.

#### **6.18 Three-Judge Panels at Qualifying Competitions**

At Qualifying competitions, the Administrator shall employ three (3) judges whenever possible to grade each Memorial. In extenuating circumstances, the Administrator may authorize panels of two (2) judges, but this should be done only as a last resort and 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 a panel of one (1) judge. Administrators may use the four-judge panel International Rounds evaluation method described in Rule 6.17 if adopted in a corresponding Rules Supplement.

## **OFFICIAL RULE 7.0 ORAL ROUND PROCEDURES**

### **7.0 General Procedures**

Each Oral Round of each competition consists of ninety (90) minutes of oral pleadings. Applicant and Respondent are each allotted forty-five (45) minutes. Oral presentations during the round must be made by two (2) members, but only two members, from each Team. Prior to the beginning of the Oral Round, each Team must indicate to the bailiff how it wishes to allocate its forty-five (45) minutes among (a) its first oralist, (b) its second oralist, and (c) rebuttal (for Applicant) or surrebuttal (for Respondent). The Team may not allocate more than twenty-five (25) minutes, including rebuttal or surrebuttal, to either oralist. Time allocated for but not used by one oralist may not be used by another oralist, or in the rebuttal or surrebuttal. Any Team Member may act as an oralist during any round of the Competition and need not always argue the same side. In extenuating circumstances, the Executive Director has discretion to permit a single oralist to argue beyond the twenty-five (25) minute limit. Teams using interpreters may be allotted additional time pursuant to Rule 7.14.

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

Judges may, at their discretion, extend total Team oral argument time beyond the forty-five (45) minute allocation. Oralists asked to further expand upon arguments may, in this instance, argue for more than the twenty-five (25) minute individual limit.

#### **7.2 Three Judge Panels**

In each Oral Round, the Administrator shall employ three (3) judges whenever possible. The Administrator may employ more than three (3) judges in Advanced Rounds. In extenuating circumstances, the Administrator may authorize panels of two (2) judges, but this should be done only as a last resort and 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 a panel of one (1) judge.

#### **7.3 Oral Rounds**

The order of the pleadings in each Oral Round at all levels of the Competition is:

Applicant 1 --> Applicant 2 --> Respondent 1 --> Respondent 2 --> Rebuttal (Applicant 1 or 2) --> 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 the main pleading. Further, any time that is not used in the main pleading may not be used to extend the time allocated to rebuttal or surrebuttal.

#### **7.4 Rebuttal and Surrebuttal**

Each Team may reserve up to ten (10) minutes for rebuttal or surrebuttal. As a courtesy to the judges, Teams should announce whether they intend to reserve time for rebuttal or surrebuttal at the beginning of their oral argument, and how much time they intend to reserve. Failure to announce will not waive the right to rebuttal or surrebuttal. Only one Team Member may deliver the rebuttal or surrebuttal. The rebuttal or surrebuttal must be delivered by one of the two oralists participating in the Oral Round. A rebuttal shall immediately follow Respondent 2, and the surrebuttal shall immediately follow the rebuttal. The Team need not indicate prior to rebuttal or surrebuttal which of the pleading Team Members will deliver rebuttal or surrebuttal. Teams may waive their rebuttal or surrebuttal.

#### **7.5 Scope of Pleadings**

A Team's oral pleadings are not in any way 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. If the Applicant waives rebuttal, Respondent may not appear for surrebuttal. 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.

#### **7.6 Ex Parte Procedure**

(a) In extreme circumstances, such as when a Team fails to appear for a scheduled Oral Round, the Administrator, after waiting thirty (30) minutes, may allow the Oral Round 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 Round forfeits all six (6) of the Round's Oral Round Points.

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

(c) Failure to appear under subsection (a) also includes the situation in which only one team member from a given team appears for the oral round. In such an event, the absent team's single oralist shall be allowed to plead and receive an individual score during the ex parte procedure for purposes of calculating individual oral pleading scores, even though his/her team forfeits all six (6) Oral Round points.

## **7.7 Of Counsel**

During each Oral Round, one (1) additional Team Member may sit at the counsel table with the two (2) oralists as counsel. The person acting as counsel must be one of the Team Members registered pursuant to Rule 3.3. The person acting as counsel need not be the same person in each Oral Round.

## **7.8 Competition Communications**

Only the oral communications described in Rule 7.9, 7.10, and 7.11 are permitted. In particular, no written communication or exhibits may be presented or delivered by any Team Member to any judge.

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

Each oralist may communicate with the judges, and the judges may communicate with that oralist, during the oralist's allotted time. In addition, in extraordinary circumstances, 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).

## **7.10 Oral Courtroom Communication and Activity at Counsel Table**

Communication at the counsel table between Team Members may only be in writing to prevent disruption. Teams and team-affiliated spectators shall avoid all unnecessary noise, outbursts, or other inappropriate behavior which distracts from the argument in progress.

## **7.11 Written Courtroom Communication**

Written communication during the Oral Round 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 spectators (including Team Members seated in the audience).

## **7.12 Spectators**

All Preliminary Rounds should be open to the public. Teams may agree in advance, and after consultation with the Administrator, to limit the number of spectators in a room during the Preliminary Rounds. The presence of Team Advisors or other spectators affiliated with the Team is permitted in the courtroom during an Oral Round in which the Team is competing. Teams are responsible for ensuring that their spectators do not engage in any disruptive behavior.

### **7.13 Scouting**

(a) Team Members or persons directly affiliated with any Team may only attend Preliminary Rounds in which their Team is competing. The Executive Director may, in the interests of the Competition, waive this Rule. Violation of this Rule should be brought to the attention of the bailiff and/or Administrator immediately, without disturbing the Oral Round, or immediately after the Oral Round has finished.

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

(c) A Team which commits Direct Scouting forfeits all six Oral Round Points in the future Preliminary Round (or Rounds) in which it competes against the Team (or Teams) which it scouted.

(d) A Team which commits Indirect Scouting shall forfeit one Preliminary Round. For example, if the Team won four Preliminary Rounds, 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 which commits Indirect Scouting wins no Preliminary Rounds, there shall be no such adjustment.) This adjustment shall occur prior to the determination of final Preliminary Round rankings described in Rule 10.5.

(e) During the Advanced Rounds of any Competition, any Team still in contention is forbidden from scouting – that is, attending any Advanced Round matches not involving that Team. Any Team which commits scouting during the Advanced Rounds will forfeit the match of the Round in which the scouting occurred and, as a consequence, any subsequent round in that competition in which the Team competes. In the event that scouting is discovered only after the subsequent rounds have been held, such forfeit(s) shall have no retroactive effect on the seeding of such subsequent rounds.

### **7.14 Interpreters and the Use of Interpreters**

Teams who wish to use interpreters are allowed to do so, subject to the following provisions:

a) Use in Qualifying Rounds: Each Administrator may allow Teams and/or judges to use languages other than English during Oral Rounds in a Qualifying competition, and/or may provide procedures whereby interpreters may be used, by including Rules to this effect in their National Rules Supplements.

(b) Use in International Rounds: A Team wishing to present its oral pleadings at the International Rounds in a language other than English must arrange to have its oral pleadings interpreted during the International Rounds. Arrangements for and costs incurred in hiring interpreters and equipment are the responsibility of the Team. A Team wishing to use interpreters must inform the Executive Office as soon as it knows it has advanced to the International Rounds and, in any event, no later than two (2) weeks prior to the start of the International Rounds.

(i) Such Teams may request permission from the Executive Director to extend total Team oral argument time beyond the forty-five (45) minutes allotted under Rule 7.1. The maximum extension of time will be twenty (20) minutes per Oral Round. The use of an interpreter in one Oral Round does not commit the Team to using an interpreter in every Oral Round. Given that interpreters will be translating all arguments in a given Oral Round, any extension of time granted to a Team shall also be granted to its opponents. All judges and oralists in an Oral Round involving an interpreter should take the professional needs of the translator (for example, the need for clear enunciation of speech) into account during the Oral Round.

c) **Use of Team Members as Interpreters:** 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 Oral Round in which he or she is an interpreter; and (b) he or she does not sit at the counsel table during the Oral Round in which he or she is an interpreter; and (c) he or she does not communicate with his or her Team in any way during the Oral Round, except to interpret the oral pleadings.

d) **Non-Embellishment by Interpreters:** When a Team employs an interpreter, the interpreter may only engage in a literal interpretation of the oralists' pleadings and the judges' responses. No embellishment on the part of the interpreter to enhance or clarify the oralists' arguments or the judges' responses is allowed. A Team which violates this Rule is subject to forfeiture of all six (6) of the Oral Round Points for that Oral Round.

### **7.15 Audio and Videotaping**

No audio taping or videotaping of oral pleadings is permitted without the advance permission of the entire panel of judges, the two (2) participating Teams and either the Administrator or the Executive Director. In no circumstances are participating Teams permitted to view or listen to any video or audio tape until after the completion of the competition in which the taped Oral Round occurred. ILSA reserves all rights to the audiotaping and videotaping, or any other form of audio or visual reproduction, of any Oral Round or part thereof. All Teams participating in the World Championship Jessup Cup Round will be deemed to have consented to the taping and broadcasting of that Oral Round.

### **7.16 Anonymity of Teams in Courtrooms**

During an Oral Round, participants may not indicate their country or school of origin to the judges or bailiff. Participants must not reveal their school or country of origin through direct or indirect means, including statements to judges, name tags or other signifiers, the placement of folders, files, library books or other materials bearing the name or logo of the school on the counsel table, and the wearing of pins or

clothing revealing the identity of their country or school. For the purposes of this rule, the term “participants” includes Team Members, Team Advisors, and spectators affiliated with the Team.

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

During an Oral Round, oralists at the podium and participants seated at counsel table may not operate, for any purpose, mobile phones, laptop computers, PDAs, or any other computing or electronic devices, particularly those which are internet enabled or have instant messaging capabilities. All such devices, including mobile phones, must be turned off and removed from sight as soon as the bailiff first enters the courtroom, and must thereafter remain off and out of sight until the conclusion of the Oral Round. A Team that violates this Rule forfeits up to six (6) Oral Round Points. The Administrator shall determine a penalty that corresponds to the severity of the violation.

### **7.18 Timekeeping Devices in the Courtroom**

The official time of the match is the time 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, any such device which, in addition to keeping time, is either (a) capable of 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 7.17, even if such functionality is turned off.

## **OFFICIAL RULE 8.0 QUALIFYING COMPETITION PROCEDURES**

### **8.1 Preliminary Rounds**

Each Team participating in a Qualifying competition shall participate in Preliminary Rounds consisting of four (4) Oral Rounds, twice as Applicant and twice as Respondent. If four (4) or fewer Teams are participating in a Qualifying competition, the Executive Director may permit fewer rounds, 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 Qualifying competition. In the event that Teams must face each other in two (2) Preliminary Rounds, each Team shall plead as Applicant in one Round and Respondent in the other Round.

## **8.2 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 Qualifying competition. 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 fifteen (15) minutes prior to the start of the newly paired round.

## **8.3 Quarterfinal Rounds**

If sixteen (16) or more Teams are participating in a Qualifying competition, the Administrator may hold Quarterfinal Rounds consisting of four (4) matches among the eight (8) highest-ranking Teams from the Preliminary Rounds. In such Quarterfinal Rounds, 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.

## **8.4 Semifinal Rounds**

(a) If Quarterfinal Rounds have been held, the winning Team in each of the four Quarterfinal Rounds shall advance to the Semifinal Rounds. In such Semifinal Rounds, 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 pertinent rankings that will be used will be the final rankings from the Preliminary Rounds.

(b) In other Qualifying Rounds of eight (8) or more Teams, the Administrator may hold Semifinal Rounds among the four (4) highest-ranking Teams from the Preliminary Rounds. In such Semifinal Rounds, 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.

## **8.5 Championship Rounds**

If Semifinal Rounds have been held, the winning Team in each of the two Semifinal Rounds shall advance to the Championship Round. If Semifinal Rounds have 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 Champion.



## **8.6 Pleading Option**

- (a) Prior to the commencement of the Advanced 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 one of the following three methods to determine the pleading option for a Championship Round:
- (i) Drawing from a Container: A designated Team Member of the higher ranking Team from the Preliminary Rounds will select a piece of paper from a container (e.g., a hat, bag, or box). The pieces of paper will say either "Yes" or "No", and there shall be an equal number of pieces marked "Yes" and "No" from which to choose. If the Team Member selects a piece of paper which says "Yes," then his or her Team will have the pleading option. If the Team Member selects a piece of paper which says "No," then the opposing Team will have the pleading option; or
  - (ii) Rolling a Die: A designated Team Member of the higher ranking Team from the Preliminary Rounds will roll a 6-sided die. If the Team Member rolls an even number (i.e., 2, 4, or 6), then his or her Team will have the pleading option. If the number rolled is odd (i.e., 1, 3, or 5), then the opposing Team will have the pleading option; or
  - (iii) Tossing a Coin: A designated Team Member of the higher ranking Team from the Preliminary Rounds will call the toss, and the Administrator will toss the coin. If the Team Member correctly calls the toss, then his or her Team will have the pleading option. If that Team Member does not correctly call the toss, then the opposing Team will have the pleading option.
- (d) The Team with the pleading option has ten (10) minutes to select which side it wishes to plead. If that Team fails to select, then the opposing Team has five (5) minutes to select a side. If the opposing Team then fails to exercise its pleading option within a five (5) minute period, it also shall forfeit its pleading option. Should both Teams fail to select, then 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 to both Teams the appropriate Memorial of their opponent. The Teams will then be granted a reasonable time to prepare for the Oral Round.

## **8.7 Complaints Regarding Conduct of a Qualifying Round**

- (a) **General Procedure.** A Team may submit a complaint to the Executive Director concerning one or more violations of the Official Rules which 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 electronic mail no later than 48 hours after the conclusion of the Qualifying Round. 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:
- (1) the Team number, school, and contact information of the complaining Team;
  - (2) the specific facts constituting the alleged violation(s);
  - (3) a description of how the violation(s) materially deprived the team of an opportunity to advance to the International Rounds; and
  - (4) the identities and contact information, if available, of any witnesses to the violation(s).
- (c) **Prohibition on Discussion of Complaint.** 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) **Exhaustion of Local Remedies.** 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) **Standing.** 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 8.7(h).
- (f) **Investigation of Complaints.** 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) **Remedy.** 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 Advanced Rounds;

changing the Team declared as Representative; inviting one or more additional Teams to attend the International Rounds as additional Representatives; or issuing a formal apology to the complaining Team(s).

(h) No Prohibition on Constructive Suggestions. Teams are encouraged to offer suggestions to the Administrator or the Executive Director for the improvement of the Competition. Such suggestions shall be promptly acknowledged, although for reasons of expediency, they may not be addressed until after the conclusion of the International Rounds.

## **OFFICIAL RULE 9.0 INTERNATIONAL PAIRING PROCEDURES**

### **9.1 Representation**

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

### **9.2 Preliminary Rounds**

The Preliminary Rounds of the International Rounds consist of four (4) Oral Rounds. Each Team pleads twice as Applicant and twice as Respondent.

### **9.3 Pairings for the Preliminary Rounds**

(a) The Executive Director shall establish the pairings for the Preliminary Rounds, in the first instance, by a random draw. The Executive Director may modify this random draw to ensure geographic and competitive diversity and balance.

(b) Pairings for the International Rounds and the Memorials of opposing Teams will be distributed to Teams on or prior to the first day of the International Rounds.

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

### **9.4 Religious Scheduling Conflicts**

No later than four (4) weeks prior to the Preliminary Rounds, Teams must notify the Executive Director in writing of any potential schedule conflicts owing to religious observances. The Executive Director will make every effort to accommodate the religious observances of Teams.

## **9.5 International Run-Off, Octafinal and Quarterfinal Rounds**

The Advanced Rounds of the International Rounds consist of the International Run-Off Rounds, the International Octafinal Rounds, the International Quarterfinal Rounds, the International Semifinal Rounds, and the World Championship. Subject to Rule 9.8, the thirty-two (32) highest-ranked Teams from the Preliminary Rounds shall participate in the Advanced Rounds.

## **9.6 International Run-Off Rounds**

The International Run-Off Rounds consist of sixteen (16) pairings of the thirty-two (32) highest-ranked Teams from the Preliminary Rounds, subject to Rule 9.8.

## **9.7 International Octafinal Rounds, Quarterfinal Rounds, Semifinal Rounds, and World Championship Jessup Cup Round**

The International Octafinal Rounds consist of eight (8) pairings of each of the sixteen (16) Teams that win a match in the International Run-Off Rounds. The International Quarterfinal Rounds consist of four (4) pairings of each of the eight (8) Teams that win a match in the International Octafinal Rounds. The International Semifinal Rounds consist of two (2) pairings of each of the four (4) Teams that win a match in the International Quarterfinal Rounds. The two (2) winning Teams from the International Semifinal Rounds advance to the World Championship Jessup Cup Round.

## **9.8 National Representation Limitation**

No more than eight (8) Teams from one nation may advance to the Advanced Rounds of the International Rounds. If more than eight (8) Teams from one nation place among the thirty-two (32) highest-ranked Teams from the Preliminary Rounds, only the eight highest-ranked Teams from such nation may advance to the Advanced Rounds. If after the application of this rule, there are fewer than thirty-two (32) Teams eligible for the Advanced Rounds, the next highest-ranked Team(s) that did not otherwise qualify for the Advanced Rounds shall be added until the number of Teams equals thirty-two. This subsequent addition shall also be subject to this Rule 9.8.

*Example: If nine (9) Teams from the nation of Erewhon qualify for the International Run-Off Rounds, the ninth-ranked Team from Erewhon shall not advance to the Advanced Rounds. The thirty-third (33rd) ranked Team from the Preliminary Rounds shall be added to the Advanced Rounds, unless the 33rd-ranked Team is also from Erewhon; in such a case, the next-highest-ranked Team that is not disqualified by this rule would advance.*

## **9.9 Pairings for the International Advanced Rounds**

The pairings in the International Run-Off, Octafinal, Quarterfinal, and Semifinal Rounds 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 purposes of this Rule, all rankings shall be determined by the final standings of the Preliminary Rounds.

*Example: Under this rule, and unless one of the qualifications in this Rule applies, the pairings in the International Run-Off Rounds would be as follows: 1 vs. 32, 2 vs. 31, 3 vs. 30, 4 vs. 29, 5 vs. 28, 6 vs. 27, 7 vs. 26, 8 vs. 25, 9 vs. 24, 10 vs. 23, 11 vs. 22, 12 vs. 21, 13 vs. 20, 14 vs. 19, 15 vs. 18, 16 vs. 17.*

## **9.10 Previous Meeting Qualification**

If application of the General Pairing Rule would result in one or more pairings in which a Team would face an opponent that it faced in the International Preliminary Rounds, the Executive Director must adjust the pairings in an equitable manner in order that such pairing is avoided. If the Executive Director determines that, with respect to a given pairing, no adjustment is possible, the Executive Director may disregard this qualification with respect to such pairing.

## **9.11 National Pair-Off Qualification**

(a) If two (2) Teams from a given nation advance to the Semifinal Rounds, those two Teams shall be paired against one another. All Teams not affected by this qualification shall then be paired according to the General Pairing Rule, discounting those two Teams.

(b) If four (4) Teams from a given nation advance to the Quarterfinal Rounds, the first-ranked Team from such nation shall be paired against the fourth-ranked Team from such nation, and 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 Rule, discounting those four Teams.

(c) If three (3) Teams from a given nation advance to the Quarterfinal Rounds, the second-ranked Team from such nation shall be paired against the third-ranked Team from such nation. All Teams not affected by this qualification, including the first-ranked Team from such nation, shall then be paired according to the General Pairing Rule.

(d) If eight (8) Teams from a given nation advance to the Octafinal Rounds, the first-ranked Team from such nation shall be paired against the eighth-ranked Team, the second-ranked Team shall be paired against the seventh-ranked Team, the third-ranked Team shall be paired against the sixth-ranked Team, and 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 Rule.

(e) If seven (7) Teams from a given nation advance to the Octafinal Rounds, the second-ranked Team from such nation shall be paired against the seventh-ranked Team, the third-ranked Team shall be paired against the sixth-ranked Team, and the fourth-ranked Team shall be paired against the fifth-ranked Team. All Teams not affected by this qualification, including the first-ranked Team from such nation, shall then be paired according to the General Pairing Rule.

(f) If six (6) Teams from a given nation advance to the Octafinal Rounds, the third-ranked Team from such nation shall be paired against the sixth-ranked Team, and the fourth-ranked Team shall be paired against the fifth-ranked Team. All Teams not affected by this qualification, including the first- and second-ranked Teams from such nation, shall then be paired according to the General Pairing Rule.

(g) If five (5) Teams from a given nation advance to (or qualify for) the Octafinal Rounds, then the fourth-ranked Team from such nation shall be paired against the fifth-ranked Team. All Teams not affected by this qualification, including the first-, second- and third-ranked Teams from such nation, shall then be paired according to the General Pairing Rule.

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

(a) Prior to the commencement of the International Advanced Rounds, the Executive Director will give each competing Team a copy of its completed Team master scoresheet.

(b) The Administrator shall choose one of the following three methods for determining which team in each pairing will have the pleading option:

- (i) Drawing from a Container: A designated Team Member of the higher ranking Team from the Preliminary Rounds will select a piece of paper from a container (e.g., a hat, bag, or box). The pieces of paper will say either “Yes” or “No”, and there shall be an equal number of pieces marked “Yes” and “No” from which to choose. If the Team Member selects a piece of paper which says “Yes,” then his or her Team will have the pleading option. If the Team Member selects a piece of paper which says “No,” then the opposing Team will have the pleading option; or
- (ii) Rolling a Die: A designated Team Member of the higher ranking Team from the Preliminary Rounds will roll a 6-sided die. If the Team Member rolls an even number (i.e., 2, 4, or 6), then his or her Team will have the pleading option. If the number rolled is odd (i.e., 1, 3, or 5), then the opposing Team will have the pleading option; or
- (iii) Tossing a Coin: A designated Team Member of the higher ranking Team from the Preliminary Rounds will call the toss, and the Administrator will toss the coin. If the Team Member correctly calls the toss, then his or her Team will have the pleading

option. If that Team Member does not correctly call the toss, then the opposing Team will have the pleading option.

(c) The Team with the pleading option must select which side it will argue within ten (10) minutes. If that Team fails to make a selection, the other Team must select which side it will argue within five (5) minutes. If that Team fails to make a selection, then the higher-ranked Team shall argue Applicant and the lower-ranked Team shall argue Respondent.

(d) Once the sides have been determined, the Executive Director will notify each Team which side it will be arguing and will deliver to each Team one copy of its opponent's Memorial. Both Teams shall then have a reasonable amount of time to prepare for the Oral Round.

## **OFFICIAL RULE 10.0 COMPETITION SCORING**

### **10.1 Basis for Scores**

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

### **10.2 Preliminary Rounds**

(a) Scoring of the Preliminary Rounds shall consist of two parts: the scoring of the written Memorials, and the scoring of the Oral Rounds.

(b) Each judge will score each Memorial on a scale of fifty (50) to one hundred (100) points.

(c) Each judge will score each oralist on a scale of fifty (50) to one hundred (100) points.

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

Two (2) 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 11.0.

(a) *Memorial Raw Scores:* In each match, the Total Memorial Raw Score for each Team is the sum of the three (3) Memorial judges' scores for the side the Team argued in that Oral Round. A Team's Total Competition Memorial Raw Score is the sum of the six (6) 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 (3) judges for each of its two oralists.

(c) *Total Raw Scores:* In each match, a Team's Total Raw Score for that match is the sum of the Team's Total Memorial Raw Score for that match and the Team's 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 (3) Round Points will be awarded based on a comparison of the highest, middle, and lowest scores on Memorials. If four-judge panels are used to evaluate Memorials, the score furthest from the mean will be discarded and the three remaining scores will be used as the Memorial's highest, middle, and lowest scores. The Memorials to be compared should correspond to the side that the Teams argued in that match. In other words, the scores of the Applicant Team's Applicant Memorials should be compared against the scores of the Respondent Team's Respondent Memorials. For each comparison, the Team with the higher score is awarded one (1) 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 then one round point is awarded to the Team with the higher of these two scores. In a similar fashion, 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 (0.5) Round Point.

(b) *Oral Round Points:* In each match, a total of six (6) Round Points will be awarded based on a comparison of combined oral argument scores. For each judge, the sum of the judge's score for Applicant Oralist 1 and Applicant Oralist 2 is compared to the sum of the judge's scores for Respondent Oralist 1 and Respondent Oralist 2. For each judge, the Team with the highest combined oralist score is awarded two (2) Round Points. If in any such comparison, the two Teams' scores are equal, each Team is awarded one (1) 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 (2) Judge Panels**

If only two (2) judges score a given Memorial or a given Oral Round, the Administrator shall create a third score by averaging the scores of the two judges.

### **10.7 Determining the Winner of a Preliminary Round Match**

In any given match, the Team receiving the greater of the nine (9) 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.



### **10.8 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.

### **10.9 Tie-Breaking Procedure**

If two or more Teams are tied after application of Rule 10.8, and the outcome of the determination does not affect (a) any Team's entry into the Advanced Rounds, or (b) the pairing of any Teams in the Advanced Rounds of the competition, the Teams shall be ranked equally. If, however, further determination is necessary (under either (a) or (b) above), 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 only two 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) tie goes to the Team with the higher total oralist and memorial score average, calculated by adding the Team's Total Competition Oral Raw Score divided by twenty-four (24) and the Team's Total Competition Memorial Raw Score divided by six (6);
  - (ii) tie goes to the Team whose opponents won more matches, calculated by adding the number of wins of the Teams' opponents and for this purpose only, counting a draw as one-half (1/2) of a win;
  - (iii) tie goes to the Team whose opponents scored higher, calculated by adding the Total Raw Scores of the Teams' opponents;
  - (iv) tie goes to the Team with the higher total oralist score average calculated by dividing the Total Competition Oral Raw Score by twenty-four (24);
  - (v) a method determined by the Administrator, taking into account the interests of the Teams and the Competition as a whole.

### **10.10 Scoring Procedures for Advanced Rounds**

The following scoring procedures and guidelines shall apply to the Advanced Rounds of applicable competitions.

(a) *Qualifying Rounds*

Judges of Advanced Rounds of each Qualifying competition shall make an independent review of the Team Memorials and oral arguments. Judges shall take into account the Memorials and oral arguments as part of each Team's performance, although they need not give any particular fixed weight to either Memorials or oral arguments. The Administrator shall provide a Preliminary Round Oral Scoresheet to the judges to use at their discretion. The decision regarding the winner of the Round shall be by majority vote of the judges. No ties are allowed.

(b) *International Run-Off, Octafinal, Quarterfinal and Semifinal Rounds*

In each match in the International Run-Off, Octafinal, Quarterfinal and Semifinal Rounds, scoring procedures for each pairing shall be conducted according to this Rule. Judges must keep secret from all Teams the exact score in each pairing, and each judge's determination in the pairing; only the identity of the winning Team shall be revealed.

(i) Three (3) 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 (1) point. If a judge determines that the two Memorials are of equal quality, each Team will receive one-half (0.5) point. Thus, three (3) points are allocated by the Memorials judges. Penalties from the Preliminary Rounds shall not apply in the Advanced Rounds.

(ii) Three (3) judges shall sit for the Oral Round. The Team whose presentation each judge determines is superior will receive two (2) points. If a judge determines that the two oral presentations were of equal quality, each Team judge will receive one (1) point. Thus, six (6) points are allocated by the oral-round judges.

(iii) The winner of the match is the Team with the greater of the nine (9) points allocated by Memorials and Oral Round judges.

### **10.11 Method of Scoring – World Championship Jessup Cup Round**

Judges of the World Championship Jessup Cup Round shall follow the guidelines set out in Rule 10.10(a) for determining the winner of the Jessup Cup.

### **10.12 Ranking of Oralists**

Individual oralists shall be ranked from highest to lowest average oral score. An oralist's average oral score is the average of the scores awarded to that oralist by each judge during the Preliminary Rounds, except the single lowest score awarded to the oralist. If an oralist argued in only one (1) Preliminary Round, he or she is not eligible for ranking.

*Example: Lucy argued in two Preliminary Rounds. In her first appearance, the three judges awarded her a 90, an 85, and an 81. In her second appearance, the three judges awarded her an 89, an 85, and an 81. In determining her average oral score, the administrator would disregard one of the two 81s she received (her lowest score). So her 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.*

### **10.13 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 (6) judges' scores. Team Memorials shall be ranked from the highest Total Memorial score to the lowest. Ties are permitted. Scores shall be adjusted for Penalties per Rule 11.0.

### **10.14 Reporting of Results**

After the conclusion of each competition, each Team participating in such competition shall receive the following:

- (a) a copy of individual Memorial judges' scoresheets with attendant comments, if any;
- (b) a copy of individual oral judges' scoresheets and Penalties, if any, with attendant comments, if any, from Preliminary Rounds of the competition;
- (c) a copy of the Overall Rankings of the Preliminary Rounds of the competition, with the Total accumulated Win-Loss records, Overall Raw Scores, and Overall Round Points;
- (d) a copy of the Oralist Rankings from the Preliminary Rounds of the competition;
- (e) a copy of the Memorial Rankings from the Preliminary Rounds of the competition;  
and
- (f) a summary of the Advanced Rounds of the competition.

## **OFFICIAL RULE 11.0 PENALTIES**

### **11.1 Memorial Penalties**

- (a) Memorial Penalties may be imposed by the Administrator 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 (2) judges under Rule 10.6, penalties shall be deducted from each of the two (2) 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 fifty (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 in violation of the Rule, Memorial Penalties may be deducted from the scores of the offending Memorial only.
- (d) The Administrator shall notify all affected Teams of imposed Penalties prior to the first Preliminary Round, 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 in writing to the Administrator. The Executive Director shall decide upon the validity of any appeal from the imposition of a Penalty by the Administrator. No further appeal is available from this appellate decision of the Executive Director.
- (e) Penalties shall be assessed for violations of other Rules concerning the Memorials by reference to the following table on the next page:

| <b>Rule</b> | <b>Summary</b>   | <b>Penalty</b>  |           |
|-------------|--|---|-----------|
| 6.1, 6.2    | Tardiness in submitting Memorial   | 5 points for first day, 3 points per day thereafter<br><br>If both Memorials have not been submitted by the Disqualification Deadline, the Team will be withdrawn from the Competition. |           |
| 6.1(e)      | Resubmission of Memorial   | 2 points  |           |
| 6.4         | Formatting Violations: <ul style="list-style-type: none"> <li>• Use of incorrect font</li> <li>• Use of incorrect font-size</li> <li>• Use of improper line spacing</li> <li>• Use of improper block quote</li> <li>• Use of endnotes</li> </ul> | 1 point per type of violation, up to a maximum of 5 points  |           |
| 6.5         | Failure to remove Tracked Changes or Comments  | Up to 5 points (one-time penalty)   |           |
| 6.6         | Failure to include all parts of Memorial, or inclusion of an un-enumerated part  | 2 points for each part  |           |
| 6.7         | Failure to include necessary and correct information on Memorial Cover Page  | 2 points (one-time penalty)   |           |
| 6.12        | 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 |
| 6.12        | Excessive length: Summary of Pleadings   | 2 points (one-time penalty)   |           |
| 6.12        | Excessive length: Statement of Facts   | 2 points (one-time penalty)   |           |
| 6.15, 2.17  | Violation of anonymity in Memorial   | Disqualification or up to 10 points (one-time penalty)  |           |
| 11.2        | Plagiarism   | 1 to 50 points  |           |

## 11.2 Plagiarism

Teams shall not plagiarize. Plagiarism means the act of appropriating the literary composition of another, or parts or passages of another's writings, and passing them off as the product of one's own mind, either through exact duplication of another's work or by lifting substantial portions without attribution.

After investigation and review, in a verified case of plagiarism an Administrator shall assess a penalty between one (1) and fifty (50) points to each offending memorial. Any penalty imposed shall correspond to the degree of the violation in the judgment of the Administrator.

Administrators shall refer all allegations of plagiarism to the ILSA Executive Office. After investigation and review, the ILSA Executive Director may do one or both of the following: (1) disqualify the team; (2) notify the team’s dean and/or other university official(s) of the results of the ILSA Executive Office’s investigation.

**11.3 Oral Round Penalties**

The Administrator shall impose an Oral Round Penalty only when he or she is satisfied that an event subject to such Penalty has occurred, if necessary after consultation with the judges, bailiff, Teams and spectators.

**11.4 Complaint Procedure**

(a) If a Team believes that an infraction of the Rules has occurred during an Oral Round, the Team may notify the bailiff in writing within five (5) minutes of the conclusion of that Oral Round. If there is no bailiff, Teams must approach the Administrator with complaints. Written notification shall clearly describe the violation and the parties involved in the violation. The Team shall not directly approach the judges regarding a violation of these Rules. When possible, the matter should be raised with the bailiff outside the attention of the judges. Failure by any Team to follow the procedures described in this paragraph shall result in a waiver of the Team's complaint.

(b) If one or more judges believe an infraction has occurred during an Oral Round, he or she shall notify the bailiff orally or in writing within five (5) minutes after the completion of the Oral Round. When possible, the matter should be raised with the bailiff outside the attention of the other judges.

**11.5 Deduction of Penalties by Judges Prohibited**

Penalty points may be deducted only by the Administrator. In no instance shall judges themselves deduct from the scores of the oralists any Penalty points. Judges shall score the Oral Round as if no violation occurred or may take an infraction into account if so instructed by the Administrator.

**11.6 Activity Subject to Oral-Round Penalties**

Penalties may be assessed for violations during an Oral Round 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) prior to determining the Oral Round Points.

| <b>Rule</b> | <b>Summary</b>                    | <b>Penalty</b>   |
|-------------|-----------------------------------|--|
| 7.10, 7.11  | Improper courtroom communications | Up to 10 points  |
| 7.13        | Scouting                          | Forfeiture of one preliminary round if indirect scouting.<br>Forfeiture of all six oral round points if direct |

|            |                                     |  |
|------------|-------------------------------------|--|
|            |                                     | scouting in round against team which was scouted.<br>Forfeiture of Advanced Round that scouting occurred in and forfeiture of prior Advanced Round victories with no retroactive effect on seeding.<br>(See Rule 7.13 for description of penalty.) |
| 7.20, 2.17 | Violation of anonymity in courtroom | Disqualification or up to 15 points  |

### 11.7 Notice and Appeals

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

### 11.8 Discretionary Penalties

(a) In addition to the Penalties listed in Rule 11.6, the Administrator may assess up to fifteen (15) point 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. Discretionary Penalties shall be imposed only by the Administrator. Such violations may include:

- (i) engaging in poor sportsmanship;
- (ii) submitting multiple frivolous complaints against other Teams;
- (iii) engaging in inappropriate behavior at the counsel table during the Oral Rounds;
- (iv) exhibiting 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 match, may, at the sole discretion of the Executive Director, result in a Team being disqualified from the Competition.

### 11.9 De Minimis Rule

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

## **OFFICIAL RULE 12.0 AWARDS**

### **12.1 The World Championship**

The Team that wins the World Championship will receive two (2) awards: a trophy to keep, and the Jessup Cup to hold in trust for one year at its school. 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 prior to the next year's International Rounds. The World Championship Team is responsible for engraving its School 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 by comparing top ranked Memorials. The Memorials of the Team with the highest Total Memorial Raw Score in any Qualifying Competition, and the Memorials of the Teams that scored in the Top 20 for Total Memorial Scores in the International Rounds, 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 three (3) judges or four (4) judges. If three-judge panels are retained, all three scores will be used to determine raw Memorial scores. If four-judge panels are retained, the score that is furthest from the mean will be discarded and only the three (3) remaining scores will be used to calculate raw Memorial scores. Awards will be presented to the top five (5) scoring Teams, based on raw Memorial scores, unadjusted for penalties. The ILSA 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 ten (10) scoring Teams based on Total Memorial Raw Score in the International Rounds.

### **12.4 The Richard Baxter Award**

The Richard Baxter Award is presented to Teams for excellence in Memorial writing by comparing individual Applicant and Respondent Memorials. The Applicant and Respondent Memorials of Teams that receive an Alona E. Evans Award or a Hardy C. Dillard Award are entered into competition for the Richard Baxter Award. There are two (2) Baxter Awards: one (1) for the Best Overall Applicant Memorial and one



(1) for the Best Overall Respondent Memorial. The Best Applicant and Best Respondent 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 winner is selected by vote of the Teams at the International Rounds.

### **12.6 Other Awards**

In each competition, the Administrator shall make arrangement for appropriate recognition of the following: Teams that receive the top Total Memorial Scores, highest ranked oralists, and Teams that advance to the Advanced Rounds.