



**THE 2023 PHILIP C. JESSUP INTERNATIONAL LAW  
MOOT COURT COMPETITION**

**THE OFFICIAL  
AUSTRALIAN NATIONAL RULES SUPPLEMENT FOR  
THE  
2023 DLA PIPER AUSTRALIAN NATIONAL ROUNDS  
OF THE PHILIP C. JESSUP  
INTERNATIONAL LAW MOOT COURT  
COMPETITION**

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## **RULE 1: OFFICIAL RULES AND ADDITIONAL DEFINITIONS**

The Official Rules of the Jessup International Law Moot Court Competition (“Official Rules”) shall be followed unless an Australian National Rule set out in the Australian National Rules Supplement (“Australian National Rules”) provides otherwise.

In addition to the definitions contained in the Official Rules, the additional definitions below apply:

“Assistant coach”, “Assistant advisor” and like positions, are not recognised by the Official Rules and are expressly disallowed by the Australian National Rules.

“Outside Assistance” means assistance from any individual who is not a Team Member.

“Outside Persons” means any individual who is not a Team Member, Coach or Faculty Advisor.

“Team Member” has the same meaning as the Official Rules. The Official Rules do not recognise Team Members outside of this definition. Accordingly, Team Members denominated “alternate”, “reserve”, “substitute” or any similar designation are expressly disallowed by the Australian National Rules.

*Comment – These additional definitions assist in clarifying the Official Rules on prohibited Outside Assistance (Official Rules 2.8-2.13). They form part of the definition of who and how many can coach, attend practice moots and otherwise assist.*

## **RULE 2: ELIGIBILITY, SELECTION AND OUTSIDE PARTICIPATION**

### **2.1 Team Composition**

In accordance with Official Rule 2.2, no more than 5 individuals who are Team Members may contribute 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. See also Official Rule 3.6 (Changes to Registration Information) and the accompanying note that no such change will be permitted ‘after work product (written, oral, or research) has been created or generated by the Team Member being replaced or after the Team’s memorials have been submitted’.

*Comment – This rule helps emphasise that no more than 5 individual Team Members may contribute to the work product of a team.*

### **2.2 Team Eligibility**

2.2.1 GENERALLY. Note Official Rule 2.1, especially rule 2.1(c) regarding teams from foreign campuses of participating schools.

**2.2.2 TEAM MEMBER REQUIREMENTS.** Official Rule 2.3 provides that a person may be a Team Member if he or she:

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

Team Members should be current students enrolled at the eligible competing institution, or students from such an institution embarking or about to embark on Legal Workshop, College of Law or other higher qualifications. In accordance with the spirit of the Official Rule, Team Members may not be individuals who at any time during the Competition Year are admitted to, or engaged in, the practice of law as an admitted person or have otherwise engaged in any paid or unpaid activity (outside of degree studies) which would give the Team Members an undue advantage in any aspect of the Competition over students who have not yet completed their first law degree.

**2.2.3 EXCEPTIONS.** Official Rule 2.4 requires the written permission of the ILSA Executive Director in defined circumstances for individuals to be team members. For the purpose of the Australian National Rules, the National Administrator must be notified of the application for written permission under Official Rule 2.4 at the time it is made and be forwarded correspondence from the Executive Director either acceding to or declining the application. For the purpose of the Australian National Rules a student currently enrolled in a program of study leading to a J.D. degree in Australia (which is classified in Australia for some purposes as a post-graduate degree) is not required to obtain special permission under Official Rule 2.4 (c).

*Comment – teams who wish to apply for confirmation that a student is eligible or a waiver of one of the Official Rules may do so in accordance with Official Rule 2.5. The Australian National Administrator should be notified that permission has been sought.*

## **2.3 Team Selection**

**2.3.1 GENERALLY.** Note especially Official Rules 2.2, 2.3, 2.4 and 2.6.

**2.3.2 INTRAMURAL COMPETITIONS.** In accordance with Official Rule 2.11, where a law school utilises some form of local competition or assessment of students seeking inclusion in the Jessup team, the current Jessup problem cannot be used in the local competition.

2.3.3 JESSUP COURSES. In accordance with Official Rule 2.11, unless approval is sought from the Executive Director except where student enrolment in a course is *limited exclusively to Team Members* from a University participating in the Competition, Team Members may not enrol or participate in a course that uses the current year’s Competition Problem as a subject matter of instruction, as a teaching tool, or as a means of selecting team members.

*Comment – revised clarification to the rule the basis for the limitation, namely, that a course that uses the Jessup problem must be limited to the student competitors only.*

## 2.4 Outside Assistance to Teams

### 2.4.1 RELATIONSHIP TO OFFICIAL RULES AND AUSTRALIAN GUIDELINES.

Australian National Rule 2.4.2 is to be read in conjunction with the Official Rules and the Australian Guidelines on Outside Assistance to Teams (see the Annex to these Rules).

### 2.4.2 GENERAL RULE.

(a) Subject to Australian National Rule 2.4.2(b), Official Rule 2.8 applies with full force and effect, and no individual who is not a Team Member may assist a team in any way which is not authorised specifically under Official Rule 2.9, Australian National Rules 2.4.3 and 2.4.4 and the Australian Guidelines on Outside Assistance to Teams.

(b) The authorisation granted in Official Rule 2.9(a)(vi) shall be limited in accordance with Australian National Rule 2.4.4.

2.4.3 COACH AND FACULTY ADVISOR. In accordance with the letter and spirit of Official Rule 2.9, an Australian Team may have only **one (1) Coach** and only **one (1) Faculty Advisor** as necessary to prepare the Team adequately for the competition. **Where a coach has work commitments external to the university, for example where they work full time in a law firm, then permission may be sought from the National Administrator for the workload to be shared between two coaches.** In no circumstances may more than two persons (or three where an exemption has been approved) who are not team members attend the Australian National Rounds to assist a team as Coaches, Faculty Advisors, or in any other capacity.

*Comment – the roles of Coach and Faculty Adviser are not fixed, and may differ slightly from University to University.*

*Comment – the permission request should be forwarded to the National Administrator prior to the team commencing work on their memorials.*

2.4.4 GENERAL COMMENTARY BY COACH OR FACULTY ADVISOR. For the purposes of the Australian National Rules, the “general commentary on the quality of the Team’s legal and factual arguments” that Coaches and Faculty Advisors may provide to a team under Official Rule 2.9(a)(vi) is limited to basic characterisations about merit and non-merit of the arguments. General commentary in this sense does not include advice on how to improve arguments, the correction of error, or highlighting omissions. Advice of this nature as “general commentary” is prohibited and is considered Outside Assistance under the Australian National Rules.

*Comment – In the spirit of Official Rules 2.8-2.13, Australian National Rules 2.4.3 and 2.4.4 aim to ensure that the written memorials and oral pleadings are the exclusive work of Team Members so that Teams can be judged on their own*

*merit and not in relation to the availability (or the lack) of outside resources and assistance. In limiting Teams to one Coach and one Faculty Advisor (with the possibility of an exception in appropriate circumstances), the Australian National Rules recognise the disparities in access to human resources amongst Australian Teams and also the generally high level and quality of international law training across Australia.*

**2.4.5 ASSISTANCE FROM OTHER TEAMS.** In accordance with Official Rule 2.10, Teams, Coaches and Faculty Advisors from any Team, including Teams that have been eliminated from the Competition, may not provide any form of assistance in any way to any other Team.

**2.4.6 OUTSIDE PERSONS.** In accordance with Official Rule 2.13 on Practice Rounds, prior to the submission of written memorials, only Team Members, the Coach and/or the Faculty Advisor may serve as judges in practice moots involving argument on the Competition Problem for the Competition Year. Outside Persons may only serve as judges in practice moots after the submission of memorials. Pursuant to Official Rule 2.13 Outside Persons must not offer any commentary or suggestions about specific substantive arguments during Practice Rounds. Outside Persons who are judging practice moots should be directed by a coach or faculty advisor to the text of Official Rule 2.13(c) and (d).

*Comment – The limitations on outside assistance imposed by Official Rule 2.13 shall be followed. It is more stringent than the past practice of many Australian universities.*

## **RULE 3: TEAM REGISTRATION**

### **3.1 Registration of Team Members, Coach and Faculty Advisor**

Under Official Rule 3.3 and 3.4 all Teams must submit all Team Member names, and the name of each Coach and Faculty Advisor for a Team, to the ILSA Executive Office by the deadline in the Official Schedule. All changes in the identity of Team Members, Coach and Faculty Advisor must also be notified to the Executive Office and to the National Administrator.

The National Administrator will, in turn, access this information for Australian registration purposes, however the National Administrator may, by email, request any further information as required.

*Comment – Teams are under a continuing obligation to report changes to registration information to both the International and National Administrators. This obligation continues throughout the Competition Year until the team is eliminated from the Competition.*

### **3.2 Registration Number**

Official Rule 3.5 states that each team in the competition will be assigned an official team number by the ILSA Executive Office for use in all levels of the competition. This ensures anonymity of the teams.

Official Rule 5.7 states that the official team number, followed by an A or an R (designating either Applicant or Respondent) must be placed on the upper right hand corner of the front covers of the team memorials.

Example for Team 123:

123A, 123R

Neither the law school name nor the name of the country that they represent may appear anywhere on the team memorials (see Official Rule 5.15). No signature pages are allowed.

The official team number will also be the team number for the Australian National competition.

### **3.3 Registration Fee**

Pursuant to official rule 3.1(c) the fee to enter the Australian National Round will be levied at the level of the 2020 competition. Teams who are unable to pay this fee should apply to the National Administrator for a fee waiver. The National Administrator cannot apply a fee waiver for the ILSA-imposed fee for the Jessup Competition.

## **RULE 4: MEMORIALS**

### **4.1 Format and Length**

See generally Official Rule 5.0 for details about the format, layout and structure of Memorials. For the 2023 Round, teams must follow the Official Rules as supplemented by the Australian Supplement.

Official Rule 5.12 requires that each memorial must comply with the following word limitations:

- a) The Statement of Facts section, including the section title, any section headings or sub-headings, conclusion, associated footnotes, and any other language a team might elect to include, must be no longer than 1,200 words.
- b) The Summary of Pleadings section, including the section title, any section headings, section sub-headings, conclusion, associated footnotes, and 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, and other language a team might elect to include, must be no longer than 9,500 words.
- d) The total length of the Prayer for Relief (or Conclusion) part including the title, any headings, subheadings, associated footnotes, signature block, and other language a Team might elect to include, must be no longer than 200 words.



All parts of each memorial shall be produced in a single file and must be in Microsoft Word format with a file extension of ‘.doc’ or ‘.docx’ (see Official Rule 5.4(a)). Word count shall be conducted using the standard ‘word count’ feature in Microsoft Word.

Please note that Cover Page, Table of Contents, Index of Authorities, Statement of Jurisdiction, or Questions Presented shall not be counted in calculating the number of words in each memorial.

*Comment – Teams should note the 9,500 allowable word count for pleadings denotes 9,500 words maximum for the Applicant Pleading, and then another 9,500 words maximum for the Respondent Pleading.*

*Teams should also note that there is a discretionary penalty of up to five (5) points for manipulation of the word count in Memorials, in addition to word count penalties. See Official Rule 6.12(d).*

*It is recommended that teams clear all metadata contained in their document before submitting it. Teams may be penalised where they breach anonymity rules where identifying information is contained within a document’s metadata.*

4.1.1 FONT AND FONT SIZES. See generally Official Rule 5.4(d).

4.1.2 PAPER SIZE AND MARGINS. Under Official Rule 5.4(b) all Memorials must be formatted for 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.

Under the Australian National Rules the Official Rule 5.4(b) on the formatting of paper size and margins must be followed. **However, the memorials submitted to the National Administrator should comprise an electronic document on A4 formatting and hard copies printed on A4 formatting. The hard copies should not be bound.**

The National Administrator will circulate to all teams a document outlining the number of hard copies required to be provided and how those documents can be posted or brought to the National Round.

*Comment – This rule change was driven by the ILSA Executive to facilitate printing and distribution of memorials. In recognition of pagination problems that might arise, penalties for incorrect page references and other problems with the Index of Authorities have been removed. However, a good and accurate Index of Authorities may be considered by the Memorial Judges in assessing Memorials.*

4.1.3 SPACING. Official Rule 5.4(d) recommends that the text of all parts of the Memorial be 1.5-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.

*Comment – Teams should note that there are no longer penalties for failing to adhere to the memorial formatting recommendations in Rule 5.4(d).*

## 4.2 Citations

4.2.1 FOOTNOTES. Teams are required by Official Rule 5.13 to cite authority in the footnotes for propositions of law or fact advanced in the text. Endnotes are not permitted. Footnotes are included in the word limit (see Official Rule 5.13(a)).

4.2.2 FOOTNOTE CONTENTS. In accordance with Official Rule 5.13, footnotes may include substantive pleadings in addition to the text of the citation itself.

4.2.3 CITATION STYLE. Teams are to adhere to Official Rule 5.13 insofar as citation is concerned. Where teams wish to abbreviate a source, they must use the full citation in the footnotes of the pleading section the first time a source is cited.

4.2.3A USE OF AGLC. Teams that choose to cite in accordance with the Australian Guide to Legal Citation do not need to include a short title in both the text and the footnote the first time a source is cited. They must include the short title in either the text or within the first footnote where the source is cited.

*Comment - This rule has, with the support of coaches and law schools, been modified for simplicity and consistency with the Official Rules.*

## 4.3 Number of Copies

4.3.1 NATIONAL COMPETITION. Each team shall submit **one (1) electronic copy** of the Applicant memorial, **one (1) electronic copy** of the Respondent memorial to the National Administrator by the date and time due. Due to the online format teams are not required to submit hard copies for the National Round.

4.3.2 INTERNATIONAL COMPETITION. In accordance with Official Rule 5.1, each team shall submit **one (1) electronic copy** of the Applicant Memorial and **one (1) electronic copy** of the Respondent Memorial to the ILSA Executive Director by the date and time due. The memorials submitted to the ILSA Executive Director must be identical to those submitted to the National Administrator apart from any paper formatting changes.

## 4.4 Submission of Memorials

The deadline and form for submission of memorials to the International Administrator is contained in the Official Rules. Nothing in the Australian Supplement alters this requirement.

4.4.1 SUBMISSION TO NATIONAL ADMINISTRATOR. One electronic copy of both the Applicant and Respondent memorial must be submitted **in one electronic mail** to the National Administrator by 12:00 noon, local time of the Team location, on 18 January 2023. **These memorials must be identical in content to those submitted to the International Administrator. This date may be varied at the National Administrators discretion where the date for the submission of memorials to ILSA is adjusted. Any such date and time change must be communicated to teams no less than 14 days prior to the new date or time.**

Please note that the electronic copies submitted to the National Administrator may use different formatting in terms of page layout as discussed in Rule 4.

*Comment – The deadline will be applied consistently with various time zones across Australia in January 2023 so that each team will be expected to submit by the deadline according to the applicable time zone; e.g. – Brisbane (Eastern Standard Time); Sydney and Melbourne (Eastern Daylight Time).*

4.4.2 SUBMISSION TO INTERNATIONAL ADMINISTRATOR. Each Team must submit its Applicant and Respondent Memorials to the ILSA Executive Office as required by the Official Rules.

4.4.3 HARD COPIES OF MEMORIALS. Each team must provide the National Administrator with 24 copies of their applicant and respondent memorial in hard copy by the commencement date of the national round. The hard copies must be printed double-sided on A4 paper and stapled in the top left corner. They must not be bound.

4.4.4 COPIES OF MEMORIALS FROM OPPOSING TEAMS. Teams will be supplied with one hard copy of their opponent team’s memorial for each of the preliminary rounds, the quarterfinals, semifinals, the Plate Final and the Grand Final. Apart from this, no team may obtain access to another team’s memorials, whether before or during the competition, until the conclusion of the International Competition. This rule is not intended to alter the Official Rule 2.15. Where the National Administrators become aware that any copies of memorials have been circulated between the Australian Round and the International Round to any team progressing to the International Round they will notify ILSA directly. Any universities caught violating this rule, may, at the discretion of the National Administrators not be invited to compete in the 2023 Australian Round.

## **RULE 5: ORAL PLEADINGS**

See generally Official Rule 6. Time Limits will follow strictly those found in the Official Rule. Teams should familiarise themselves with Official Rule 6 which governs the in-person mooting format which will be used for the 2023 Australian National Round (see further National Rule 6).

Where a moot is conducted remotely due to a COVID-19 health direction or National Rule, the process in Official Rule 7 will apply as supplemented by National Rule 5 and any Online Moot Memorandum circulated to competing teams.

### **5.1 Rebuttal and Sur-Rebuttal**

A Team must announce its reservation of time for rebuttal or sur-rebuttal to the judges and the bailiff/timekeeper at the beginning of the oral pleadings for that round. However, failure to announce does not constitute a waiver of the right to rebuttal or sur-rebuttal if time remains for a Team. Rebuttal or sur-rebuttal time, if used, is part of the total of 25 minutes that is the maximum time for a single oralist, and may not exceed five minutes. No new material may be introduced in rebuttal or sur-rebuttal. See Official Rules 6.5 and 6.6.

*Comment – This rule has been updated to reflect the international rule.*

## **5.2 Extension of Time**

Pursuant to Official Rule 6.2 judges have the discretion to extend the total Team oral argument time beyond the 45-minute limit. Under the Australian National Rules, if discretion is exercised to extend the time of one Team, then ordinarily, if requested, the Judges should allow a similar extension of time in length to the other Team.

*Comment – In order to ensure fairness, judicial discretion exercised in favour of extending the time of one Team, should also be exercised in favour of the other Team if the other Team requests additional time. The extra time allowed to each Team ordinarily should be equivalent.*

## **5.3 Observers**

Pursuant to Official Rule 6.12 the number of spectators for the Australian National Rounds will be limited in accordance with this rule to comply with the current health directions of the host university. All team members, the faculty advisers and coaches may observe the preliminary rounds for the moots their team is participating in. The bailiff, judges and National Administrator may also view any preliminary moot as required.

Requests for any additional observers must be forwarded to the National Administrator 7 days before the commencement of the National Round. Any observers will need to identify which team they are observing to the Team Advisors. Observers must not disturb the moot in any way. Teams are reminded that any rule violations by observers (including breach of anonymity rules, or interrupting proceedings) may be subject to a penalty as set out in the Official Rules. Where a team's observers breach any rule in the National Supplement or the Official Rules the judges will provide a report to the National Administrator.

Subject to any limitations imposed by the Host Institutions, in particular capacity constraints, the Semi-Finals, Plate Final (where held) and Grand Final will be open for members, coaches and advisors of the competing teams to view the moots.

Where a team has advanced to the semi-finals, no member of that team, coach or advisor may view the other semi-final.

The same rules regarding observers will apply to in-person and virtual moots.

## **5.4 Recording**

Pursuant to Official Rule 6.15 the National Administrator will not provide advance permission for any recording to be taken of the preliminary rounds. Recording is therefore prohibited. For the purpose of this rule recording includes any visual or audio recording, including photographs. As a condition of taking part in the competition teams agree to notify the National Administrator if they become aware of any such recording. Where such a recording is made, the Intellectual

Property and any Moral Rights associated with the recording will become the property of Jessup Australia not ILSA.

Pursuant to Official Rule 6.15, where permission is obtained from the presiding judges, teams may take photographs at the conclusion of the final rounds with the judging panels.

Nothing in this rule prevents the National Administrator from authorising recording by non-team members or observers for any purpose. No such recording will be made without written notice to teams and judges and the recording (or part thereof) may not be published in any form without written consent from all individuals shown in the recording. For the purposes of this rule, observers who are muted and with their camera switched off are not deemed to be shown in the recording.

**5.5 Timekeeping Devices**

Contrary to Official Rules 6.17 and 6.18 an oralist is permitted to use a mobile phone to keep time provided that the phone is switched to airplane mode. No such device may be used to send or receive messages.

**RULE 6: PRELIMINARY ROUNDS**

**6.1 General Procedures**

In the preliminary rounds each team will compete in four rounds. Teams will compete in an equal number of Applicant and Respondent moots. Team ranking will be in accordance with the oral and memorial scores as detailed in Australian National Rule 8.0. Ranking of oralists will be subject to Official Rule 10.14 subject to the below alteration to the discount formula:

Number of moots competed in during the general rounds	Number of scores discounted
Less than four	The lowest score received is discounted from the average
Four	The two lowest scores received are discounted from the average

Where oralists tie for the 10<sup>th</sup> ranked oralist award, no tiebreak will be conducted and instead additional equal-10<sup>th</sup> ranked prizes will be awarded. Tiebreaks will be calculated using the following discount formula.

Where oralists are tied after the initial ranking, then to break the tie the following scores will be compared:

Number of moots competed in during the general rounds	Number of scores discounted
Less than four	None
Four	The lowest score received is discounted from the average

Where oralists are still tied, then to break the tie the average scores without any discounts will be compared. In the event the oralists are still tied, then the oralist from the team that advanced further will be deemed to rank higher.

No oralist ranking for the advanced rounds will be conducted.

### **6.1A Online Moots**

Although the 2023 National Round will be held in-person, teams who are unable to travel due to a public health direction or university rule may apply to the National Administrator to compete remotely. Such an application must be made by 1 January 2023.

Similarly, where an oralist catches COVID or is suspected of having caught COVID during the competition period, that university may apply to the National Administrator for that teams' rounds to be held remotely.

Where a moot is conducted remotely pursuant to this rule, Official Rule 7 applies to the moot. In particular, teams will both compete remotely and all judges will judge the moot remotely. No judge may be present in a room with any team member.

### **6.2 Provision of the Draw**

Teams will be notified of the draw for the preliminary rounds in early February after the National Administrator has completed the draw. Contrary to Official Rule 8.3, the pairings during preliminary rounds shall be based on the seeding of teams according to team rankings calculated on Memorial scores after adjustment with all the penalties applied. Teams shall be divided into Pools A, B, C, and D and shall be required to moot once against teams from each of the Pools. In the event that memorial scores are not available from the Executive Director at the time the draw must be generated then pairings will be randomly generated.

*Comment – The procedure for the draw was approved by Coaches at the 2005 Annual Meeting of Teams and remains in place.*

### **6.3 Finalists.**

Contrary to Official Rule 8.4, quarterfinals will be held where the number of competing teams is 10 or greater, with the eight highest ranking teams advancing to the quarterfinals. The rankings shall be determined generally in accordance with the provisions of Official Rule 10.9, with the exception that the ranking of teams shall be determined as follows:

- First – Overall win-loss record as per Official Rule 10.9(a)
- Second – The number of draws as per Official Rule 10.9 (b)
- Third – Total Competition Round Points as per Official Rule 10.9(d)
- Fourth – Total Competition Raw Scores as per Official Rule 10.9(c)

Total Competition Round Points shall therefore prevail over Total Competition Raw Scores in the ranking of teams. The Tie-Breaking Procedure as outlined in Official Rule 10.10 also applies in necessary cases.

The teams competing in the quarterfinals will be announced as soon as possible after the last preliminary round. The teams will be paired as followed:

QF A – 1<sup>st</sup> v 8<sup>th</sup>  
QF B – 2<sup>nd</sup> v 7<sup>th</sup>  
QF C – 3<sup>rd</sup> v 6<sup>th</sup>  
QF D – 4<sup>th</sup> v 5<sup>th</sup>

The winners from the quarterfinals will advance to the semi-finals which will be drawn as follows:

SF A – Highest Ranked Remaining Team v Fourth Highest Ranked Remaining Teams  
SF B – Second Highest Ranked Remaining Team v Third Highest Ranked Remaining Team

The winners from the semi-finals will advance to the Championship Round, the winner of which will be the Championship Team and the loser the Runner-Up Team.

If necessary, the losers from the semi-finals will advance to a Plate Final (see Rule 6.3A below).

### **6.3A Advancement to the International Round**

The number of teams advancing to the International Round will, pursuant to Official Rule 1.2(d) be three teams.

The teams advancing to the International Round will be determined as in the following table:

Number of teams advancing	Method of selection
2	The Championship Team and the Runner-Up Team
3	The Championship Team, the Runner-Up Team and the winner of the Plate Final
4	All semi-finalist teams

Where 3 teams are advancing to the International Round, in addition to the Championship Moot, a “Plate Final” will be held between the losers of the semi-final rounds, with the winner advancing to the International Round.

### **6.4 Sides Argued by Teams**

In the preliminary rounds, the side to be argued by each team will be allocated at the same time as notification of the draw. In the final rounds it will be decided by the toss of a coin. The toss will be conducted in the presence of the National Administrator (*contra* Official Rule 8.7). The higher ranked team will be given the right to call the toss. The winner of the toss will have the pleading option. However, if two teams have already mooted against each other in the

preliminary rounds, the team which argued for the applicant in the earlier round will argue for the respondent.

## **6.5 Scouting Rules**

The scouting rules in Official Rule 6.13 are to be observed. The National Administrator may, in the interests of the Competition, waive this Rule in relation to certain individuals.

## **6.6 Bailiffs and Timekeepers**

Generally, bailiffs/timekeepers will be drawn from the members of competing Teams, although the National Administrator may make other arrangements as appropriate. Teams will be advised of their obligations to provide bailiffs/timekeepers once the draw has been finalised for the oral rounds. No Coach or Faculty Advisor may bailiff/time keep.

## **6.7 COVID-19 Directions**

The National Administrator may circulate a list of public health measures that teams must comply with during the competition. These requirements are in addition to any requirements imposed by any host institution (including venues hosting the finals). The National Administrator will consult with team advisors regarding the content of any public health measures that are to be included.

The public health measures may not include a requirement that competitors are vaccinated.

The National Administrator strongly recommends that all team members take appropriate measures, including ensuring they are up to date with any vaccinations in accordance with any personal medical advice from a competitor's general practitioner.

## **RULE 7: ANONYMITY AND COMMUNICATION**

### **7.1 Announcement of Team Numbers**

Official Rules 2.17, 4.4, 5.14 and 6.16 provide for anonymity of a team's institution and apply as specified in the Official Rules. However, the National Administrator will announce each institution's team number at the meeting of teams, coaches and faculty advisors at the commencement of the National Rounds.

*Comment – This Rule implements the resolution passed at the 2015 Annual General Meeting requiring the National Administrator to release each institution's team number via oral announcement at the commencement of the National Rounds. Persons who may serve as oral round judges must not be present when this announcement is made.*

### **7.2 Names of Team Members**

For the purposes of conducting courtroom discussions with the judges, bailiff and time-keeper, Team Members may only provide their individual names as opposed to their university. The



bailiff/timekeeper prior to the start of each oral round will collect these, but not the names of Coaches, Faculty Advisors and others associated with the Team. See in other respects Official Rule 6.15.

*Comment – This Rule follows amendments to the Official Rule to make clear that it is permissible for Team Members to identify themselves and their university to Team Members from other Teams during the Competition.*

### **7.3 Court Room Communication**

Official Rules 6.10 provides that only oral communications are permitted during Oral Rounds between the oralists and judges. Oralists making submissions may not show any document, whether typed or hand-written, during their submissions or otherwise to any judge.

## **RULE 8: JUDGING**

Each round will be decided on a points system that is the same in most of its essential features as Official Rule 10.0.

### **8.1 Winner of a Round**

The winner of a round is determined by the total judges' points received for that round. For each moot there will be 9 round points available: 3 for memorials; 6 for oral argument. The oral and memorial scores are determined as explained below, then added together to get the total points for the team for that round.

### **8.2 Memorial Scoring**

8.2.1. For the National Round, contrary to the Official Rules, memorials will be marked by markers selected by the National Administrators with appropriate qualifications. Memorial penalties will be levied by the National Administrator, these penalties may differ from penalties later levied by the International Administrator. The specific National Scoring rule as set out below will then be applied to these scores. The scores will only be used for the National Round.

8.2.2. In each oral Round, one point is given for each time a Team's combined memorials (for both Applicant and Respondent) are scored higher than its opponent's combined memorials.

8.2.3. To this end, a Team's highest scores for both its Applicant and Respondent memorials will be combined and matched with the similarly combined highest score of the opponent Team; then their second-highest combined scores will be matched, and finally their lowest combined scores will be matched.

*Comment – This Australian National Rule is intended to surmount the problems periodically caused by idiosyncratic memorial marking styles and those cases where the Jessup Problem poses more difficult or less attractive arguments for one side. It will gauge more accurately which team is the better memorial writing team.*

For example, if Teams A and B received the scores set out in the table below, points would be awarded as shown.

Team A	Judge 1	Judge 2	Judge 3
Applicant Memorial	80	83	78
Respondent Memorial	72	63	80

Team B	Judge 1	Judge 2	Judge 3
Applicant Memorial	79	80	82
Respondent Memorial	72	63	80

Memorial Scoring	Combined Highest	Combined Middle	Combined Lowest
Team A	83 + 80 = <b>163</b>	80 + 72 = 152	78 + 63 = 141
Team B	82 + 80 = 162	80 + 72 = 152	79 + 63 = <b>142</b>
Point Allocation	Team A	Tie	Team B

In this example both teams would receive 1.5 points for their memorials

### 8.3 Oral Scoring

A panel of three judges will judge each oral round other than when one of the judges becomes unavailable at late notice in which case the oral round will proceed with two judges as per Official Rule 10.6. Two oral round points will be awarded independently by each judge to the team whose oral performance they score higher than the opposing team. A judge may not score the Teams equally (*contra* Official Rule 10.5(b)).

### 8.4 Selection of Judges

Judges of the oral rounds will be selected in accordance with the spirit of Official Rule 4. Pursuant to Official Rule 4.3, Coaches and Faculty Advisors are permitted to act as a judge in a moot at the discretion of the National Administrator. However, no Coach or Faculty Advisor may act as a judge in a moot in which their team is participating or in which one of the teams in that moot is scheduled to moot against the team of the advisor or coach later in the preliminary rounds of the competition.

Where the National Administrator allocates judging duties to a particular team, each team must identify to the National Administrator who will cover any judging duties that are allocated to that team.

Where the National Administrator allocates judging allocations to teams, all reasonable efforts will be taken to ensure an equitable distribution of judging allocations between teams.

## **RULE 9: PENALTIES**

### **9.1 Memorial and Oral Round Penalties**

Memorial Penalties will be applied by the National Administrator for the 2023 National Round.

Penalties for oral rounds will be applied as per the Official Rules. For complaints about oral round violations, teams must follow the complaints procedure in the Official Rules.

### **9.2 Discretionary Penalties**

The Official Rules provide for the imposition of discretionary penalties by the National Administrator. Where discretionary penalties may be imposed, the National Administrator will decide whether to impose a penalty in accordance with the criteria laid down in Official Rule 11.7. Teams are also asked to be particularly mindful of violations for engaging in poor sportsmanship.

### **9.3 Other Penalties**

See especially Official Rule 2.1(d) (concerning unpaid competition fees) and Official Rule 2.8 (concerning outside assistance). Violations under these Rules carry serious consequences.

## **RULE 10: MISCELLANEOUS**

These Rules shall remain in force from year to year and may be amended by the National Administrator, who will as far as possible consult with the faculty advisors of the teams participating in the previous year's competition. The rules will be reissued with any amendments (including amendments to the Official Rules) each year.

Any dispute in the application of these rules, or the Official Rules as they apply to the Australian National Competition will be resolved:

- In respect of the Final, by the bench for that round (or a majority of them), in consultation if necessary with the National Administrator;
- In all other cases, by the National Administrator.

For clarity, the National Administrator may seek any advice they wish to resolve such a dispute, including but not limited to consulting with previous national administrators or coaches. The National Administrator may not seek advice from a coach or faculty advisor involved in the dispute, or who, in the interests of the National Administrator, has any interest in the outcome of the dispute.

Consistent with Official Rules, a Team may appeal any decision regarding the rules or penalties by a National Administrator to the ILSA Executive Office.

In the event of a minor breach of these rules by one team member the National Administrator shall have discretion to disregard that breach where no substantial detriment has been caused to the opposing team. The decision whether substantial detriment has occurred will rest solely in the discretion of the National Administrator.

Dr Dilan Thampapillai and Mr Andrew Ray

National Administrators

2023 Australian National Rounds

Philip C. Jessup International Law Moot Court Competition

Email: [d.thampapillai@unsw.edu.au](mailto:d.thampapillai@unsw.edu.au) and [andrew.ray@anu.edu.au](mailto:andrew.ray@anu.edu.au).

## **ANNEXURE TO THE NATIONAL SUPPLEMENT**

### **Guidelines on Outside Assistance to Teams**

1. Assistance from librarians, computer research advisors, and other legal resource specialists shall be limited to answering specific questions regarding the location of legal resources or general research methods.
2. Assistance from computer technicians and computer support personnel in the preparation of memorials shall be limited solely to technical and computer-related matters which have no direct impact on the substance of legal argument in the memorials.
3. Assistance from other persons with the printing of memorials shall be limited solely to the physical printing and binding of memorials.
4. These guidelines will be updated annually and at all times must be read consistently with the 'Official Rules' of the Philip C. Jessup International Law Moot Court Competition as issued by the International Law Students' Association.