



**THE 2021 PHILIP C. JESSUP INTERNATIONAL LAW  
MOOT COURT COMPETITION**

**THE OFFICIAL  
AUSTRALIAN NATIONAL RULES SUPPLEMENT FOR  
THE  
2021 PHILIP C. JESSUP INTERNATIONAL LAW  
MOOT COURT COMPETITION**

# **AUSTRALIAN NATIONAL RULES SUPPLEMENT FOR THE 2020 PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION**

## **AUSTRALIAN NATIONAL RULE 0.0 AUSTRALIAN NATIONAL RULES SUPPLEMENT TO THE OFFICIAL RULES**

### **AUSTRALIAN NATIONAL RULE 1.0 ADDITIONAL DEFINITIONS**

### **AUSTRALIAN NATIONAL RULE 2.0 ELIGIBILITY, SELECTION AND OUTSIDE ASSISTANCE**

#### 2.1 Team Composition

#### 2.2 Team Member Eligibility

##### 2.2.1 General Rule

##### 2.2.2 Team Member Requirements

##### 2.2.3 Exceptions

##### 2.2.4 Non-Australian Law Schools

#### 2.3 Team Selection

##### 2.3.1 Generally

##### 2.3.2 Intramural Competitions

##### 2.3.3 Jessup Courses

#### 2.4 Outside Assistance to Teams

##### 2.4.1 Relationship to Official Rules and the Australian Guidelines

##### 2.4.2 General Rule

##### 2.4.3 Coach and Faculty Advisor

##### 2.4.4 General Commentary by Coach or Faculty Advisor

##### 2.4.5 Assistance from Other Teams

##### 2.4.6 Outside Persons

### **AUSTRALIAN NATIONAL RULE 3.0 TEAM REGISTRATION**

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

#### 3.2 Registration Number

### **AUSTRALIAN RULE 4.0 MEMORIALS**

#### 4.1 Format and Length

##### 4.1.1 Font and Font Sizes

- 4.1.2 Paper Size and Margins
- 4.1.3 Spacing
- 4.1.4 Binding and Covers
- 4.2 Citations
  - 4.2.1 Footnotes
  - 4.2.2 Footnote Contents
  - 4.2.3 Citation Style
    - 4.2.3A Use of AGLC
- 4.3 Number of Copies
  - 4.3.1 National Competition
  - 4.3.2 International Competition
- 4.4 Submission of Memorials
  - 4.4.1 Submission to National Administrator
  - 4.4.2 Submission to International Administrator
  - 4.4.3 Copies of Memorials from Opposing Teams

## **AUSTRALIAN RULE 5.0 ORAL PLEADINGS**

- 5.1 Rebuttal and Sur-rebuttal
- 5.2 Extension of Time at Judge's Discretion
- 5.3 Observers
- 5.4 Recording

## **AUSTRALIAN RULE 6.0 PRELIMINARY ROUNDS**

- 6.1 General Procedures
- 6.2 Provision of a Draw
- 6.3 Finalists
- 6.4 Sides Argued by Teams
- 6.6 Scouting Rules
- 6.7 Bailiffs/Timekeepers

## **AUSTRALIAN RULE 7.0 ANONYMITY AND COMMUNICATION**

- 7.1 Announcement of Team Numbers
- 7.2 Names of Team Members
- 7.3 Court-room Communication

## **AUSTRALIAN RULE 8.0 JUDGING**

- 8.1 Winner of a Round

- 8.2 Memorial Scoring
- 8.3 Oral Scoring
- 8.4 Selection of Judges

## **AUSTRALIAN RULE 9.0 PENALTIES**

- 9.1 Memorial and Oral Round Penalties
- 9.2 Discretionary Penalties
- 9.3 Other Penalties

## **AUSTRALIAN RULE 10.0 MISCELLANEOUS**

## **ANNEX – GUIDELINES ON OUTSIDE ASSISTANCE**

## **AUSTRALIAN NATIONAL RULE 0.0**

### **AUSTRALIAN NATIONAL RULES SUPPLEMENT TO THE OFFICIAL RULES**

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.

## **AUSTRALIAN RULE 1.0**

### **ADDITIONAL DEFINITIONS**

“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.*

## **AUSTRALIAN NATIONAL RULE 2.0**

### **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 more than 5 individuals may contribute to the work product of the Team over the course of the Competition Year’.

*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 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, after having graduated from any type of law degree program, either (i) engaged in the practice of law, or (ii) engaged in any paid or unpaid activity (outside of degree studies) which would give the student an undue advantage in any aspect of the Competition over students who have not yet completed their first law degree, and the opinion of the Executive Director on either issue shall be final; and
- (d) has never participated as judge, either of Memorials or in any Oral Round, at any level of the 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 Office 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 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).

2.2.4 NON-Australian Law Schools. Pursuant to Official Rule 1.3 the 2021 Australian National Round of the Jessup Moot will be run as a Regional Friendly Round. All law schools from Australia and the surrounding region are eligible for entry where there is not another suitable National or Regional Round that they can enter. Eligibility requests from non-Australian schools must be approved by the National Administrator and Executive Director (where required under the Official Rules).

## 2.3 TEAM SELECTION

2.3.1 GENERALLY. Note especially Official Rule 2.2 and Official Rules 2.3 and 2.4.

2.3.2 INTRAMURAL COMPETITIONS. In accordance with Official Rule 2.6, 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, 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.

## 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(f) 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. The National Administrator may grant exceptions to this rule where the National Administrator believes the team would not otherwise receive adequate coaching. In no circumstances may more than two persons 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.*

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(f) 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.

*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.*

## **AUSTRALIAN NATIONAL RULE 3.0 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.

Under the Australian National Rules, the same information must be provided to the National Administrator on the Australian Jessup Registration Form or by email where allowed by the National Administrator.

*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 6.7 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:

An electronic copy	123A, 123R
Hard copies	123A:1, 123A:2, 123A:3 (see Australian National Rule 4.3.1)

Neither the law school name nor the name of the country that they represent may appear anywhere on the team memorials (see Official Rule 6.15). No signature pages are allowed.

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



# AUSTRALIAN NATIONAL RULE 4.0 MEMORIALS

## 4.1 FORMAT AND LENGTH

See generally Official Rule 6.0 for details about the format, layout and structure of Memorials. For the 2021 Round, teams entering the Australian Regional Friendly Round may choose to either follow the Official Rules, their own County's supplement (if in effect) or the Australian Supplement.

Official Rule 6.12 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.

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 6.4(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 within a document's metadata.*

4.1.1 FONT AND FONT SIZES. See generally Official Rule 6.4(d).

4.1.2 PAPER SIZE AND MARGINS. Under Official Rule 6.4(b) all Memorials (including those produced in Australia) 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 6.4(b) on the formatting of paper size and margins must be followed. However, the memorials submitted to the National Administrator may an electronic document on A4 formatting. Note: for the 2021 Special Online Round teams will not need to supply a physical copy of their memorials.

*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 6.4(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 6.4(d).*

4.1.4 BINDING AND COVERS. Teams should not use plastic ring-combs or plastic sheet-covers when binding their memorials. Covers of Memorials should be cardboard or heavy paper stapled along the left margins. For all other aspects of the Covers refer to Official Rule 6.7.

## 4.2 CITATIONS

4.2.1 FOOTNOTES. Teams are required by Official Rule 6.13 to cite authority in the footnotes for propositions of law or fact advanced in the text. Endnotes are not permitted.

4.2.2 FOOTNOTE CONTENTS. In accordance with Official Rule 6.13, 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 6.14 insofar as citation is concerned. Where teams wish to abbreviate a source, they may do so in the index of authorities or the pleadings. .

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 footnote.

*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 6.1, 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 1 February 2021. The memorials should be sent to: [dilan.thampapillai@anu.edu.au](mailto:dilan.thampapillai@anu.edu.au). **These memorials must be identical to those submitted to the International Administrator.**

*Comment – The deadline will be applied consistently with various time zones across Australia in February 2021 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 COPIES OF MEMORIALS FROM OPPOSING TEAMS. Teams will be supplied with one PDF copy of their opponent team's memorial for each of the preliminary rounds, the semi-finals, 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 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 2022 Australian Round.

*Comment – This rule has been updated to reflect the fact that all teams are now eligible for the international round. Teams must not share their written memorial with any team.*

## **AUSTRALIAN RULE 5.0 ORAL PLEADINGS**

See generally Official Rule 7.0. Time Limits will follow strictly those found in the Official Rule. Teams should familiarise themselves with the new Official Rule 7.0 which governs the online mooting format.

### **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 7.7.

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

### **5.2 EXTENSION OF TIME AT JUDGE’S DISCRETION**

Pursuant to Official Rule 7.1 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 7.12 teams will be granted permission for all team members, the faculty adviser and coach to observe their online moots during the preliminary rounds. Requests for any additional observers must be forwarded to the National Administrator 7 days before the commencement of the National Round. All observers will need to identify which team they are observing by including the team number in their display name. Observers must remain muted with their video off from the commencement of the moot until the judges have ended the call. 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.

Where possible, all competition participants, coaches and faculty advisors will be permitted to attend the grand final.

Permission granted automatically or in writing under Rule 5.3 may be rescinded by the National Administrator at any time in writing prior to the commencement of a moot.

### **5.4 RECORDING**

Pursuant to Official Rule 7.22 recording by any Team or Observer is 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.

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.

## **AUSTRALIAN RULE 6.0 PRELIMINARY ROUNDS**

### **6.1 GENERAL PROCEDURES**

In the preliminary rounds each team will argue in either four rounds or two rounds based on which the team elects. Teams will compete in an equal number of Applicant and Respondent moots. See Official Rule 10 regarding ranking oralists for the purposes of awards. Team ranking will be in accordance with the oral and memorial scores as detailed in Australian National Rule 8.0. Only teams that have competed in four moots will be ranked.

### **6.2 PROVISION OF A DRAW**

Teams will be notified of the draw for the preliminary rounds in early February after the National Administrator has completed the draw. 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 generated at random.

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

### **6.3 FINALISTS.**

Pursuant to Official Rule 8.0 no quarterfinal will be held. Instead, the four teams competing in the semi-final shall be determined generally in accordance with the provisions of Official Rule 10.9, with the exception that the rankings 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 semi-finals will be announced as soon as possible after the last preliminary round. The winners from the semi-finals will progress to the Championship Moot. The winner of the championship moot will be declared the Champion of the Regional Friendly Round. The Australian Jessup Cup will not be awarded in 2021.

#### **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 virtually in the presence of the National Administrator (*contra* Official Rule 8.6). 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.

Where a virtual coin toss cannot be arranged due to technical limitations, then the highest ranked team will nominate the call by email to the National Administrator and the National Administrator will perform the toss in the presence of two people. Neither person can be a competitor, coach, or faculty advisor. The outcome of the coin toss will be forwarded to the respective teams as soon as practicable.

#### **6.5 SCOUTING RULES**

The scouting rules in Official Rule 7.13 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/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.

## **AUSTRALIAN RULE 7.0**

### **ANONYMITY AND COMMUNICATION**

#### **7.1 ANNOUNCEMENT OF TEAM NUMBERS**

Official Rules 2.17, 5.4, 6.15 and 7.16 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 7.16.

*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 7.10 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.

Official Rule 7.14 provides that communication at the counsel table between Team Members may take place in any written or electronic medium subject to the remaining provisions of Official Rule 7.0. No other communication may take place, including between the oralist and a Team Member unless that communication is to provide technical assistance.

**AUSTRALIAN RULE 8.0  
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. Memorials scores will be supplied by the Executive Director in accordance with Official Rule 5.17. The specific National Scoring rule as set out below will then be applied to these scores.

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*

8.2.4 If memorial scores are not available from the Executive Director prior to the National Friendly Round then Rule 8.2 will be suspended and teams will be scored solely on their oral submissions.

### **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, or is unable to join the round due to technical issues 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 s/he scores 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 Rules 5.0-5.2 and 5.4. Contrary to Official Rule 5.3, 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 his or her 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.

## **AUSTRALIAN RULE 9.0 PENALTIES**

### **9.1 MEMORIAL AND ORAL ROUND PENALTIES**

Memorial Penalties will be applied by the International Executive for the 2021 Friendly 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.

## **AUSTRALIAN RULE 10.0**

### **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

2021 DLA Piper Australian National Rounds

Philip C Jessup International Law Moot Court Competition

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

**Philip C. Jessup International Law Moot  
2021 Australian National Rounds**

ANNEX TO THE AUSTRALIAN NATIONAL RULES

**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.

**Dr Dilan Thampapillai and Mr Andrew Ray**

National Administrators

2021 DLA Piper Australian National Rounds

Philip C Jessup International Law Moot Court Competition

24 November 2020