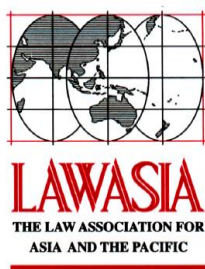




LAWASIA
International Moot

The logo features the word "LAWASIA" in a bold, black, sans-serif font. Below it, the words "International Moot" are written in a smaller, italicized, black, sans-serif font. To the right of the text is a graphic element consisting of three parallel, slanted lines in shades of red and orange, creating a sense of motion or a stylized 'W'.

11TH LAWASIA INTERNATIONAL MOOT COMPETITION
INTERNATIONAL ROUNDS (2016)
OFFICIAL RULES



OFFICIAL RULES

1. Organization

A LAWASIA International Moot Competition (“the Competition”) will be held in conjunction with the annual LAWASIA Conference. It will be organised by the LAWASIA Moot Standing Committee (“the Moot Committee”).

2. Eligibility of Country Teams

- 2.1 All member countries of LAWASIA are eligible to send teams to the Competition. The Moot Committee will decide on the maximum number of participating teams each year.
- 2.2 The respective national bar associations shall select and submit a team to the Moot Committee.
- 2.3 Where a national bar association is not a member of LAWASIA, law schools in the member countries may select and submit a team to the Moot Committee for consideration.

3. Language

The language of the Competition is English and interpreters will not be available. However, judges will be mindful of the difficulties faced by mooters arguing in a language other than their own.

4. Membership and Eligibility of Teams

- 4.1 Each team shall consist of a minimum of two members and a maximum of three members, each of whom:
 - (a) is pursuing an undergraduate law degree or a bar qualifying course or its equivalent, or
 - (b) is undertaking a first graduate degree in a legal field (not including Ph.D., S.JD and its equivalent unless express prior approval from the Competition Administrator has been obtained) ; and
 - (c) is enrolled at a law school in the country that he or she represents as a full time or part-time student as at the date of the deadline of registration of the team for the national rounds or the international finals whichever is earlier; and

(d) has not been admitted as an advocate and solicitor, barrister, attorney, legal practitioner or equivalent in their respective jurisdiction.

- 4.2 Members of each team must be students from the same law school.
- 4.3 The names of the members of each team shall be given to the Moot Committee on the date of registration.
- 4.4 Each team will be given a team number upon registration.

5. Assistance

- 5.1 Teams may not have any outside assistance in the preparation or presentation of their cases other than general guidance on the issues involved and research sources.
- 5.2 Coaches accompanying the teams to the competition shall be member of the staff of the law school.

6. The Moot Problem

- 6.1 The moot problem shall involve issues of international or LAWASIA interest. It must be concerned solely with a point or points of law to be decided by the Moot Committee.
- 6.2 The moot problem will be announced at an appointed date and the same problem will be used throughout the Competition.
- 6.3 Any ambiguities will be sent to the Moot Committee. The Moot Committee may then resolve the ambiguities at its absolute discretion. Clarifications will be communicated to the participating teams.
- 6.4 Teams are expected to prepare arguments for both the Claimant and the Respondent.

7. The Competition

- 7.1 The number of teams competing and the structure of the competition shall be decided by the Moot Committee.
- 7.2 The Moot Committee has the absolute discretion to decide whether to award the prizes available in the competition.
- 7.3 The marks awarded in each round shall be published at the end of each round.

- 7.4 The Best Mooter shall be decided by the Moot Committee taking into consideration the total individual points in the general rounds as well as comments from the judges on the performance of the mooters.
- 7.5 The team with the highest total score for the memorial will be awarded the Best Memorial Trophy.
- 7.6 The team in the opinion of the Moot Committee that best exhibits the LAWASIA spirit and values of fellowship, scholarship, and amity in the international rounds will be awarded The Spirit of LAWASIA Trophy.
- 7.7 The team in the opinion of the Moot Committee that best demonstrates the most effort under difficult and challenging circumstances in the international rounds will be awarded The Best Endeavour Award.
- 7.8 The winning team in the final of the Oral Rounds of the Competition will be awarded the LAWASIA Best Oralist Team.
- 7.9 The winning team will not necessarily be the team for which judgment may be given on the law.

8. Judging the Competition

- 8.1 Each general round moot shall be held before a panel of judges appointed by the Moot Committee. The Moot Committee has the absolute discretion to make the selection and allocation of judges for the competition.
- 8.2 Each panel of judges shall consist of three judges. The Moot Committee reserves the right to have two member panels if for whatever reasons a three member panel cannot be constituted.
- 8.3 The presiding judge shall be the most senior judge, or as decided by the Moot Committee.
- 8.4 Each judge shall complete an individual marking sheet for each participant in a moot.

9. Persons Eligible to Judge

- 9.1 The Moot Committee shall determine the persons who are eligible to serve as judges in the Competition.
- 9.2 Undergraduate students may not act as judges. Postgraduate students may be eligible to serve as judges but they must not be directly affiliated with any participating Team in the Moot Competition at which they are to judge.

- 9.3 Judges who are affiliated with a participating law school in the Competition either personally or professionally, may not act as a judge on a panel of any match involving teams from that law school.
- 9.4 The Competition Administrator has discretion to approve such a judge affiliated with a participating law school if, in his or her opinion it would not risk impartiality nor jeopardise propriety.

10. Memorials

10.1 Submission of Memorials

- (a) Participating teams must prepare two Memorials: Claimant Memorial and Respondent Memorial. Both Memorials must be sent via e-mail to the Moot Secretariat Manager at the address provided on the date and time specified in the Competition Schedule.
- (b) Memorials must be submitted in Word format as well as in pdf format.
- (c) Participating teams with limited or no access to email must notify the Competition Administrator well before the deadline. Different methods for the delivery of the Memorials may be imposed.
- (d) Memorials submitted to the Competition Administrator are considered final and any resubmission thereafter is not permitted.

10.2 Structure of Memorials

Rules relating to formatting, content, citation and anonymity of memorials are set out in Appendix 1.

10.3 Scoring for Memorials

10.3.1 Judging the Memorials

The Moot Committee shall decide on the judges for the team memorials. Each memorial judge will score each Memorial on a scale of 50 to 100 points.

10.3.2 Memorial Raw Scores

- (a) The Memorial Raw Score for each Team is the actual score awarded by a memorial judge.
- (b) A Team's Total Memorial Raw Score is the sum of the scores awarded by the judges for its Claimant Memorial and Respondent Memorial. This score shall be used to determine the Best Memorial Awards.

10.4 Reporting of the Results for the Memorials

After the conclusion of the Competition, the following shall be made available in soft copies for each Team participating in the Competition:

- (a) a copy of individual Memorial judges' scoresheets and Penalties, if any, with attendant comments, if any; and
- (b) a copy of the Memorial Rankings from the Preliminary Rounds of the Competition.

11. Oral Rounds

11.1. General Rules in the Oral Rounds

11.1.1 Team members

In any given oral round, each team (comprising two members) is allowed 45 minutes for the oral submission. This is apportioned accordingly to:

- (a) first mooter – 20 minutes
- (b) second mooter – 20 minutes
- (c) rebuttal or surrebuttal – 5 minutes.

Judges have discretion to permit time extensions (on their own volition or upon request).

11.1.2 Additional Counsel

At each oral round, one additional team member may sit at the counsel table with the two mooters as counsel so long as he or she is a registered team member. The team member acting as counsel need not necessarily be the same team member in each round.

11.1.3 Attire during the Oral Rounds

Team members must attend the oral rounds in business attire, i.e. dark suits with tie for men and dark suits with skirt or trousers for ladies.

11.2 Oral Submission

11.2.1 Order of Oral Submission

- (a) The order of the oral submission in each moot round of the Competition is:

Claimant Mooter 1
Claimant Mooter 2
Respondent Mooter 1
Respondent Mooter 2
Rebuttal (Claimant Mooter 1 or 2)
Surrebuttal (Respondent Mooter 1 or 2).

- (b) The judges have full discretion to permit variation to the order of pleadings.

11.2.2 Scope of Pleadings

- (a) The scope of pleadings is not limited to the scope of the memorial.
- (b) The claimant's rebuttal is limited to the scope of the respondent's pleadings.
- (c) The respondent's surrebuttal is limited to the scope of the claimant's rebuttal, unless the claimant has waived rebuttal, in which case there shall be no surrebuttal.

11.3 Failure to attend an Oral Round

- (a) If a team does not appear for a scheduled oral round, the moot shall proceed *ex parte*. The team that failed to appear forfeits all the round's total points. In such instances, the Moot Committee shall in its absolute discretion decide on the scoring system as appropriate taking into consideration the moot competition structure and to ensure that all teams are judged fairly on their performance.
- (b) The team which presents its pleadings shall be given scores by the judges to the degree possible as if the opposing team had been in attendance and presenting its arguments. The Competition Administrator may, at his or her absolute discretion, schedule an *ex parte* proceeding for the absent team if time permits.

11.4 Communications During Competition

Only moot communications listed below are permitted. There shall be no written communication to any judge. Teams are not permitted to submit written pleadings or refer judges to any such materials during the oral rounds. Teams violating this rule may be disqualified.

11.4.1 Communication between Counsel and Judges During Moot Rounds

A mooter may communicate with the judges, and the judges may communicate with that mooter, during the mooter's allotted speaking time.

11.4.2 Communication and Activity at Counsel Table During Moot Rounds

- (a) Moot communication at the counsel table during oral rounds must be minimised so as to avoid distractions i.e. noise, outbursts, or other improper conduct. All communication at the counsel table shall be in writing only.
- (b) However, a mooter may orally consult with his teammates only with the permission of the judges during his allotted speaking time.

11.4.3 Inappropriate Communication During Oral Rounds

Team members at the counsel table shall not communicate either orally or in writing with spectators or other team members not present at the counsel table.

11.5 Spectators

All oral rounds are open to the public. Teams may be requested to limit the number of spectators in a courtroom during the oral rounds. Priority will be given to coaches, advisors, or other spectators affiliated with the teams taking part in the competition.

11.6 Audio and Videotaping

No audio or videotaping of a moot round is permitted without the advance permission of the Competition Administrator. The Moot Committee reserves all rights to the audio and videotaping, or any other form of audio or visual reproduction, of any moot round or part thereof. All participating teams are deemed to have consented to the taping and broadcasting of that round.

11.7 Use of Mobile Devices, Computers and Laptops

During any oral round, mooters who are submitting and team members seated at counsel table may not use laptops, computers, tablets, mobile phones or any other computing device. Teams are responsible to ensure strict compliance with this rule. If there is a violation the Competition Administrator must be informed immediately during or after the moot round has ended. The Competition Administrator has discretion to impose a penalty on teams that violate this rule.

12. Scoring for the Oral Rounds.

12.1 Basis for Scores

- (a) Teams shall be judged on the quality of their overall performances, which includes the merits of the case.
- (b) Notwithstanding the scoring system hereinafter set out, the Moot Committee shall in its absolute discretion vary the scoring system as

appropriate taking into consideration the moot competition structure. Such variation in the scoring system shall be announced to the participating teams on or before the commencement of the competition.

12.2 Judging the Oral Rounds

The Moot Committee shall decide on the judges for the oral rounds. A panel of three judges shall score each mooter in a match at each moot round on a scale of 50 to 100 points.

12.3 Raw Scores for the Oral Rounds

- (a) Raw Scores are the points awarded to the mooters by the judges.
- (b) In each match, a Team's Raw Score is the sum of the points of the three (3) judges for each of its two (2) mooters.
- (c) A Team's Total Raw Score in a particular round is the sum of the Team's Raw Scores in that round.
- (d) The calculation of Raw Scores shall be subject to the deduction of Penalty points under the provisions of Rule 13.

12.4 Round Points for the Oral Rounds

- (a) In each match, a total of up to six (6) Round Points may be awarded based on a comparison of combined moot argument scores.
- (b) The Total Round Points for a team in a particular round will be the sum of the Rounds Points obtained by that team in that round.
- (c) The Rounds Points are awarded a team in the following manner:-
 - The sum of each judge's Raw Score for the Claimant Mooter 1 and Claimant Mooter 2 is compared to the sum of the judge's Raw Scores for Respondent Mooter 1 and Respondent Mooter 2.
 - For each judge, the Team with the higher combined mooter Raw Scores 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.

12.5 Two Judge Panels

If only two judges score a given Moot match, the Competition Administrator shall create a third score by averaging the scores of the two judges.

12.6 Determination of Winners and Rankings

12.6.1 Determining the Winner of a Match

In any given match, the Team receiving the greater number of six (6) available Round Points wins the match. If the two Teams have equal number of Rounds Points, the Team with the higher Team Raw Scores wins the match. If the two Teams have an equal number of Round Points and an equal Team Raw Score, the match is a draw.

12.6.2 Round Rankings

- (a) Teams shall be ranked in their respective groups (where applicable) by the number of wins in a particular round, from highest to lowest.
- (b) If two or more Teams have the same number of wins, the Team having the higher Total Rounds Points from that round shall be ranked higher.
- (c) If two or more Teams have the same number of wins and the same Total Round Points, the Team with the higher Total Raw Scores from that round shall be ranked higher.
- (d) The scoring and round ranking system prescribed herein applies to both the Preliminary Rounds and the Final Rounds (and where applicable, the Quarter-Final and Semi-Final Rounds).

12.6.3 Tie-Breaking Procedure

If two or more Teams are tied after application of Rule 12.6.2, and the outcome of the determination does not affect (a) any Team's entry into the subsequent round, or (b) the pairing of any Teams in the subsequent round of the Moot 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 earlier Rounds, and time permits, the Administrator may schedule a match between the two Teams, with the Team with the lower Team number acting for the Claimant. The match shall be conducted according to the scoring Rules for Preliminary Rounds. The winner of the match shall be ranked higher.

If neither of these methods breaks the tie, the Competition Administrator shall determine the method for breaking the tie.

12.7 Reporting of Results

After the conclusion of the Competition, the following shall be made available in soft copies for each Team participating in the Competition:

- (a) a copy of individual moot judge's scoresheets and Penalties, if any, with attendant comments, if any, from Preliminary Rounds of the Competition;
- (b) 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;
- (c) a copy of the Mooter Rankings from the Preliminary Rounds of the Competition; and
- (d) a summary of the Advance Rounds of the Competition.

13. Penalties

13.1 Memorials Penalties

- (a) Memorials Penalties may be imposed by the Competition Administrator and shall be deducted from the individual judges' scores on a Team's Memorial.
- (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. 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.
- (c) The Competition 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.
- (d) A Team may appeal any Penalty imposed against its Memorials in writing to the Competition Administrator. The Moot Committee 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 Moot Committee.
- (e) Penalties shall be assessed for violations of other Rules concerning the Memorials by reference to the following table:

| Rule | Summary | Penalty |
|---------------------------|--|---|
| 10.1 | Tardiness in submitting Memorials | 5 points for first day, 3 points per day thereafter |
| 10.2 (Appendix 1, 1.1) | Use of incorrect font or font-size, use of font of inconsistent size, or improper line spacing | 1 point per violation, up to a maximum of 5 points |
| 10.2 (Appendix 1, 1.2) | Failure to include all parts of Memorial, or inclusion of an unenumerated part | 2 points for each part |
| 10.2 (Appendix 1, 1.2) | Failure to include necessary information on Memorial Cover Page | 2 points (one-time penalty) |
| 10.2 (Appendix 1, 1.2) | Substantive legal argument outside of approved parts of Memorial | 2 points (one-time penalty) |
| 10.2 (Appendix 1, 1.1) | Excessive length: Pleadings | 5 points per 100 words over the limit |
| 10.2 (Appendix 1, 1.1) | Excessive length: Summary of Pleadings | 2 points (one-time penalty) |
| 10.2 (Appendix 1, 1.1) | Excessive length: Statement of Facts | 2 points (one-time penalty) |
| 10.2 (Appendix 1, 1.4) | Violation of anonymity in Memorial | Disqualification or up to 10 points (one-time penalty) |

13.2 Oral Round Penalties

The Competition Administrator shall impose an oral round penalty at his or her discretion, if necessary after consultation with the judges, bailiff, teams and spectators.

13.2.1 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 Competition Administrator with complaints.

- (b) Written notification shall clearly describe the violation and the parties involved in the violation.
- (c) 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.
- (d) Failure by any team to follow the procedures described in this paragraph shall result in a waiver of the team's complaint.
- (e) 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 of the completion of the moot round. When possible, the matter should be raised with the bailiff outside the attention of the other judges.

13.2.2 Penalty Deduction

Penalty deduction may be made only by the Competition Administrator. Judges are prohibited from deducting penalty points from the scores and must score the oral round as if no violation occurred.

13.2.3 Activity Subject to Oral Round Penalties

Penalties may be assessed for violations during an oral round by reference to rule 11 above. The Administrator shall deduct the Penalty amount from each judge's combined score (the sum of the judge's score for Mooter 1 and Mooter 2) prior to determining the Moot Round Points.

13.2.4 Discretionary Penalties

In addition to the Penalties that may be deducted under Rule 13.2.3 above, the Competition Administrator may assess up to fifteen 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 Competition Administrator. Discretionary Penalties shall be imposed only by the Competition Administrator. Such violations may include:

- (a) poor sportsmanship;
- (b) submitting numerous frivolous complaints against other teams;
- (c) engaging in inappropriate behaviour at the counsel table during the moot rounds;
- (d) displaying obvious disregard for the procedures or requirements outlined in the Rules.

13.2.5 Notice and Appeals

- (a) The Competition Administrator shall notify teams of his or her decision regarding imposition of any penalty as soon as possible.
- (b) The Competition Administrator shall, where it is practicable to do so, set a reasonable time limit by which either team may appeal the decision.
- (c) Upon submission of an appeal, the Competition Administrator shall consult with the Moot Committee in determining the appeal. The Moot Committee's decision on all appeals is final.

13.3 De Minimis Rule

The Competition Administrator may waive or lessen the penalty for a *de minimis* rule violation.

14. Progression into subsequent Rounds

14.1 Rounds

- (a) In every competition, there shall be the Preliminary Rounds, the Semi-finals Rounds and the Final Rounds.
- (b) The Moot Committee may in its discretion hold a Quarter-final Round if it is deemed necessary.

14.2 Progression from the Preliminary Rounds

Progression from the Preliminary Rounds will be determined based on the ranking of the teams in their respective groups. The number of teams progressing will be determined based on the number of participating teams and it shall be announced to the participating teams before the commencement of the competition.

14.3 Progression into the Final Round

The top two ranking teams from the Semi-final Rounds will progress into the Final Round.

15 Power to Enact Measures

The Competition Administrator may in consultation with the Moot Committee, establish such other measures to maintain the orderly manner of the Competition or to remedy shortfalls in the Competition. Such alterations shall not violate the spirit of these Rules in the best interests of the Competition.

16. Interpretation of Rules

The Competition Administrator in consultation with the Moot Committee shall be the final arbiter in the interpretation of these rules.

2nd February 2016

APPENDIX I - STRUCTURE OF MEMORIALS

1.1 Document Format

Each Memorial must be submitted in a single file in the following Microsoft Word format: letter size, 8.5 x 11 inches (21.6 x 27.9 cm), or A4 size, with equal margins of at least one inch (2.54 cm) on all four sides, font and size in Times New Roman 12-point, double-spaced. Footnotes must be 10-point size and be single spaced.

Word count (using the standard word count in Microsoft Word):

- (a) The Pleadings (including the Conclusion/Prayer for Relief and footnotes) must be no longer than 8,000 words. [See 1.2. (h)]
- (b) The Summary of Pleadings must be no longer than 500 words.[See 1.2.(g)]
- (c) The Statement of Facts must be no longer than 750 words.[See 1.2. (f)]

Any Memorial that fails to comply with this format may be reformatted by the Competition Administrator and such reformatting may alter document pagination and layout.

1.2 Content

The Memorials must comprise:

- (a) Front cover – with team number on the top right hand corner followed by “C” for Claimant Memorial and “R” for Respondent Memorial (e.g. team number 8301 would put “8301-R”), name of the tribunal (e.g. Kuala Lumpur Regional Centre for Arbitration), year of the Competition, name of the case and title (e.g. “Memorial for Respondent”);
- (b) Table of Contents;
- (c) Index of Authorities – list of all legal authorities cited in the Memorial with the page number(s) of the Memorial on which the authority is cited;
- (d) Statement of Jurisdiction;
- (e) Questions Presented;
- (f) Statement of Facts - the given facts and any relevant inferences from the moot problem and clarifications or corrections (if any) to the moot problem. The Statement of the Facts should exclude any uncorroborated facts, alteration of given facts, contrary statements and legal arguments. Memorials will be judged according to conformation of the facts to legal

arguments without producing new facts or making unreasonable inferences from the moot problem;

- (g) Summary of Pleadings – an objective and substantial summary of the Pleadings of the Memorial; and
- (h) Pleadings (including Conclusion/Prayer for Relief) – substantive, confirmatory legal argument or legal interpretation of the facts of the moot problem. Summaries of these legal arguments may be included in the Questions Presented and the Summary of Pleadings.

1.3 Citation

Endnotes are not permitted. Footnotes must be used for citation of authorities and sources of statements made in the Memorial only and must not include any substantive pleadings. Citations in the Index of Authorities and Footnotes of the Memorial must include a description of each authority in so a reasonable reader may find the authority in a publication.

Example: Arrest Warrant of 11 April 2000 (Democratic Republic of Congo v. Belgium), [2002] I.C.J. Rep. 3 [hereinafter Arrest Warrant Case].

1.4 Anonymity

Memorials must not be written on signature pages or letterheads or contain any names (participating law school, country or team member). The Competition Administrator shall delete any references to such names from Memorials prior to submission to judges.