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# 5<sup>th</sup> LAWASIA International Moot

## OFFICIAL RULES

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Organiser of the LAWASIA International Moot Competition

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## 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;
  - (b) is enrolled at a law school in the country that he or she represents as a full time or part-time student at the date of registration of the team for the national rounds or the international finals whichever is earlier; and
  - (c) has not engaged in the practice of law in any jurisdiction.

- 4.2 Members of each team need not necessarily 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**

- (a) 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.
- (b) The moot problem will be announced at an appointed date and the same problem will be used throughout the Competition.
- (c) 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.
- (d) Teams are expected to prepare arguments for both the Applicant and the Respondent.

## **7. The Competition**

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

- (d) 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.
- (e) The team with the highest total score for the memorial will be awarded the Best Memorial Trophy. (See 12.1.1.(a))
- (f) 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.
- (g) 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 a The Best Endeavour Award.
- (h) The team with the highest total score in the oral rounds in the final of the Competition is the winning team and will be awarded the LAWASIA Moot Competition Trophy.
- (i) The winning team will not necessarily be the team for which judgment may be given on the law.

## **8. Judging the Competition**

- (a) 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.
- (b) Each moot in the international moot competition shall be held before three judges. The most senior judge will be the presiding judge.
- (c) Each judge shall complete an individual marking sheet for each participant in a moot.
- (d) The presiding judge shall add up the marks awarded by each judge and transpose them to the moot marking sheet.

## **9. Persons Eligible to Judge**

The Moot Committee shall determine the persons who are eligible to serve as judges in the Competition.

- 9.1 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.

- 9.2 Coaches and faculty members directly affiliated with a team may not serve as judges in the Moot Competition unless the team has been eliminated from the Competition.
- 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 round involving teams from that law school.

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 jeopardize propriety. If a team competing in a moot round wishes to disqualify a judge under this provision, they must inform the Competition Administrator before the commencement of that round.

## **10. Memorials**

### **10.1 Submission of Memorials**

Participating teams must prepare two Memorials: Applicant Memorial and Respondent Memorial. Both Memorials must be sent via e-mail to the Competition Administrator at the address provided on the date and time specified in the Competition Schedule.

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.

Both electronic and paper copy versions (if any) submitted must be identical. 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.

## **11. Moot Rounds**

### **11.1. General Rules in Moot Rounds**

#### **11.1.1 Team members**

In a moot round, each team comprising of two members (Applicant and Respondent) is allowed 45 minutes to moot. This is apportioned accordingly to:

- (a) first mooter – 20 minutes

(b) second mover – 20 minutes

(c) rebuttal and surrebuttal – 5 minutes.

Judges have discretion to permit time extensions if movers are requested to elaborate their argument.

### **11.1.2 Additional Counsel**

At each moot round, one additional team member may sit at the counsel table with the two movers 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 moot rounds**

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

## **11.2 Pleadings**

### **11.2.1 Order of pleadings**

The order of the pleadings in each moot round of the Competition is:

Applicant 1

Applicant 2

Respondent 1

Respondent 2

Rebuttal (Applicant 1 or 2)

Surrebuttal (Respondent 1 or 2).

Upon completion of a mover's pleading, he or she may only make additional arguments for rebuttal or surrebuttal.

Any one team member of each team is entitled to deliver a rebuttal or surrebuttal.

### **11.2.2 Scope of Pleadings**

The scope of pleadings is not limited to the scope of the memorial.

The applicant's rebuttal is limited to the scope of the respondent's pleadings.

The respondent's surrebuttal is limited to the scope of the applicant's rebuttal, unless the applicant has waived rebuttal, in which case there shall be no surrebuttal.

## **11.3 Failure to attend a moot round**

If a team does not appear for a scheduled moot 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.

The team which presents its pleading 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 pleadings or refer judges to any materials during the oral rounds. Teams violating this rule shall 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**

Moot communication at the counsel table during moot rounds is not permitted as to avoid distractions i.e. noise, outbursts, or other improper conduct. All communication at the counsel table shall be in writing to prevent any disruption.

##### **11.4.3 Inappropriate Communication During Moot 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**

**11.5.1** All moot rounds are open to the public. Teams may be requested to limit the number of spectators in a courtroom during moot rounds. Priority will be given to coaches, advisors, or other spectators affiliated with the team that is taking part in that moot round.

**11.5.2** Team members or persons affiliated with any team may only attend moot rounds in which their Team is competing. 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.

## **11.6 Audio and Videotaping**

No audio or videotaping of moot pleadings 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 moot round.

## **11.7 Use of Computers and Laptops in Courtrooms**

During any moot round, mooters who are speaking and team members seated at counsel table may not use laptops, computers or any other computing device.

## **12. Scoring**

### **12.0 Basis for Scores**

Teams shall be judged on the quality of their overall performances and not on the merits of the case.

### **12.1 Scoring of Moot Rounds**

The scoring consists of scoring for memorials and scoring for moot rounds.

There will be two types of scores given: raw scores for memorials and moot rounds and round points for moot rounds.

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.

#### **12.1.1 Scoring for 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.

##### **(a) Memorial Raw Scores**

In each match, the Total Memorial Raw Score for each Team is the sum of the three (3) Memorial judges' scores. A Team's Total Competition Memorial Raw Score is the sum of the six (6) scores for its Applicant and Respondent Memorials. This score shall be used to determine the Best Memorial Awards.



### **12.1.2 Scoring for Moot Rounds.**

A panel of three judges shall score each mooter at each moot round on a scale of 50 to 100 points.

#### **(a) Moot Raw Scores**

In each match, a Team's Total Moot Raw Score is the sum of the scores of the three (3) judges for each of its two mooters.

#### **(b) Moot Round Points**

In each match, a total of six (6) Round Points will be awarded based on a comparison of combined moot argument scores. For each judge, the sum of the judge's score for applicant Mooter 1 and Applicant Mooter 2 is compared to the sum of the judge's scores for Respondent Mooter 1 and Respondent Mooter 2. For each judge, the Team with the highest combined mooter score is awarded two (2) Round Points. If in any such comparison, the two Teams' scores are equal, each Team is awarded one (1) Round Point.

### **12.1.3 Total Raw Scores**

In each match, a Team's Total Raw Score for that match is the sum of the Team's Total Moot Raw Score for that match. A Team's Total Competition Raw Score is the sum of the Total Raw Scores from each of its matches.

### **12.1.4 Total Round Points**

In each Round, a Team's Total Round Points is the sum of the Team's Moot Round Points.

## **12.2 Penalty Deduction from Raw Scores**

The calculation of Raw Scores shall be subject to the deduction of Penalty points under the provisions of Rule 13.

## **12.3 Two Judge Panels**

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

## **12.4 Determination of Winners and Rankings**

### **12.4.1 Determining the Winner of a Match**

In any given match, the Team receiving the greater of the six (6) available Round Points wins the match. If the two Teams each receive 3 Round Points, the Team with the higher Total Raw Score wins the match. If the two Teams have an equal number of Round Points and an equal Total Raw Score, the match is a draw.

### **12.4.2 Round Rankings**

- (a) Teams shall be ranked by number of wins in the rounds, from highest to lowest.
- (b) If two or more Teams have the same number of wins, the Team having the higher Total Competition Raw Score from the rounds shall be ranked higher.
- (c) If two or more Teams have the same number of wins and the same Total Competition Raw Score, the Team with the higher Total Competition Round Points from the rounds shall be ranked higher.

### **12.4.3 Tie-Breaking Procedure**

If two or more Teams are tied after application of Rule 12.4.2, and the outcome of the determination does not affect (a) any Team's entry into the Final Rounds, or (b) the pairing of any Teams in the Final Rounds 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 pleading Applicant. The match shall be conducted according to the scoring Rules for Preliminary Rounds. The winner of such a Round shall be ranked higher.

If time does not permit any of the above-mentioned methods to be used to break the tie or if the tie still remains, the Competition Administrator shall determine the method for breaking the tie.

### **12.5 Reporting of Results**

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

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

- (c) a copy of the Overall Rankings of the Preliminary Rounds of the Competition, with the Total accumulated Win-Loss records, Overall Raw Scores, and Overall Round Points;
- (d) a copy of the Mooter Rankings from the Preliminary Rounds of the Competition;
- (e) a copy of the Memorial Rankings from the Preliminary Rounds of the Competition; and
- (f) a summary of the Final Rounds of the Competition.

### 13. PENALTIES

#### 13.1 Memorials Penalties

Memorials Penalties may be imposed by the Competition Administrator and shall be deducted from each of the individual judges' scores on a Team's Memorial. In the event that a Memorial is scored by only two (2) judges, penalties shall be deducted from each of the two (2) judge's scores prior to calculating the third score.

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. 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. 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. 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 Moot Round Penalties

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

#### 13.2.1 Complaint Procedure

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

If one or more judges believe an infraction has occurred during a moot 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 moot round as if no violation occurred.

### 13.2.3 Activity Subject to Moot-Round Penalties

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

Rule	Summary	Penalty
11.4.3	Improper courtroom communications	Up to 10 points
11.5.2	Team members or persons affiliated with any team attending moot rounds in which their team is not competing	Forfeiture of one up to six round points at the discretion of the Competition Administrator.

### 13.2.4 Discretionary Penalties

In addition to the Penalties listed in Rule 13.2.3, 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 behavior 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

The Competition Administrator shall notify teams of his or her decision regarding imposition of any penalty as soon as possible. The Competition Administrator shall set a reasonable time limit by which either team may appeal the decision. 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.

### **13.4 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.

## **14. Interpretation of Rules**

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

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## APPENDIX 1- 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 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 court (e.g. International Court of Arbitration, New Delhi), 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].*

Thursday, 02 September 2010