



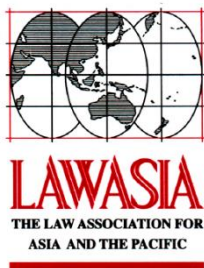
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# 18<sup>th</sup> **LAWASIA** International Moot

## OFFICIAL RULES

(MALAYSIA NATIONAL ROUNDS)

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Organiser of the LAWASIA International Moot Competition

# OFFICIAL RULES

## 1. Organisation

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

## 2. 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.

## 3. Membership and Eligibility of Teams

- 3.1 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; and
  - (d) has not been admitted as an advocate and solicitor, barrister, attorney, legal practitioner or equivalent in their respective jurisdiction.
- 3.2 Members of each team must be students from the same law school.
- 3.3 The names of the members of each team shall be given to the Moot Committee on the date of registration.
- 3.4 Each team will be given a team number upon payment of registration fees.

#### **4. Number of Participating Teams**

The Moot Committee will decide on the maximum number of participating teams each year as well as the maximum number of teams that represents one particular institution.

#### **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 Each team shall have the maximum of one registered coach. Coaches accompanying the teams to the competition shall be a 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 Prizes**

- 7.1 The Moot Committee has the absolute discretion to decide whether to award the prizes available in the competition.
- 7.2 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.
- 7.3 The team in the opinion of the Moot Committee that best exhibits the LAWASIA spirit and values of fellowship, scholarship, and amity will be awarded The Spirit of LAWASIA (Malaysia National Rounds) Trophy.
- 7.4 The winning team in the final of the Oral Rounds of the Competition will be awarded the LAWASIA Malaysian Bar Challenge Trophy.

## **8. Judging the Competition**

- 8.1 Each match in the moot rounds 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. The Moot Committee also reserves the right to have more than three judges sitting in a panel during the finals of the Moot Competition.
- 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 all participants 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 round involving teams from that law school. However, 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. Moot Oral Rounds**

### **10.1. General Rules in Moot Oral Rounds**

#### **10.1.1 Oral Rounds and Matches**

In the competition, there will be the Preliminary Rounds, the Semi-final Rounds and the Final Round. In each round, each team will moot against another team – this will be called a match. The committee will announce in the Competition Structure the number of matches that will take place in each round.

### **10.1.2 Team members**

- (a) In any given oral round, each team (comprising two members) is allowed 45 minutes for the oral submission. This is apportioned accordingly to:
- first mooter – 20 minutes
  - second mooter – 20 minutes
  - rebuttal or surrebuttal – 5 minutes.
- (b) Judges have discretion to permit time extensions (on their own volition or upon request).
- (c) 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.

### **10.1.3 Attire during the Oral Rounds**

Unless otherwise instructed by the Moot Committee, 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.

## **10.2 Oral Submission**

### **10.2.1 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.

### **10.2.2 Scope of Rebuttal and Surrebuttal**

The Claimant's rebuttal is limited to the scope of the Respondent's oral submission. 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.

### **10.3 Failure to attend an Oral Round**

- (a) If a team does not appear for a scheduled match in an 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 at its absolute discretion decide on the appropriate scoring system 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 oral submission shall be given scores by the judges to the degree possible as if the opposing team had been in attendance and presenting its arguments.
- (c) The Competition Administrator may, at his or her absolute discretion, schedule an *ex parte* proceeding for the absent team if time permits.

### **10.4 Communications During Competition**

Only oral communications are permitted during the oral rounds. Other than the oral submissions, there shall be no other forms of communication to any judge and this includes but are not limited to any form of documents whether in writing or otherwise, pictures, charts, diagrams as well any video or audio recordings.

#### **10.4.1 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.

#### **10.4.2 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.

#### **10.4.3 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.

### **10.5 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 that oral round.

## **10.6 Audio and Videotaping**

- (a) No audio or videotaping of a moot round is permitted without the advance permission of the Competition Administrator.
- (b) 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.
- (c) All participating teams are deemed to have consented to the taping and broadcasting of that moot round.

## **10.7 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.

## **10.8 Registrar**

In each match, there will be one registrar present in the moot court who will *inter alia* make the necessary announcements during the match and keeping the time for the mooters.

## **11. Scoring**

### **11.1 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.

### **11.2 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.

### **11.3 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 12.

#### **11.4 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 (combined mooters Raw Scores 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.

#### **11.5 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.

#### **11.6 Determination of Winners and Rankings**

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

- (a) 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.
- (b) The winning team will not necessarily be the team for which judgment may be given on the law.



### **11.6.2 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 all rounds.

### **11.6.3 Tie-Breaking Procedure**

If two or more teams are tied after application of Rule 11.6.2, 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.

### **11.7 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;

- (e) a summary of the Advance Rounds of the Competition.

## **12 Penalties**

### **12.1 Oral Round Penalties**

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

### **12.2 Complaint Procedure**

- (a) If a team believes that an infraction of the Rules has occurred during an oral round, the team may notify the Registrar in writing within five (5) minutes of the conclusion of that oral round. If there is no registrar, 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 registrar 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 registrar orally or in writing within five (5) minutes of the completion of the moot round. When possible, the matter should be raised with the registrar outside the attention of the other judges.

### **12.3 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.

### **12.4 Activity Subject to Moot-Round Penalties**

Penalties may be assessed for violations during a moot round by reference to rule 10 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. Alternatively, the Administrator may in his discretion deduct the Penalty amount only from a particular Mooter.

## **12.5 Discretionary Penalties**

In addition to the Penalties that may be deducted under Rule 12.4 above, the Competition Administrator may assess up to fifteen (15) points 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.

## **12.6 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.

## **12.7 De Minimis Rule**

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

## **13. Progression into subsequent Rounds**

### **13.1 Progression from the Preliminary Rounds**

Progression from the Preliminary Rounds will be determined based on the ranking of the teams according to rule 11.6 above. 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.

### **13.2 Progression into the Final Round**

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

### **13.3 Progression into the International Rounds**

- (a) The team that wins the Final Round will be the Champion Team while the other finalist team will be the 1<sup>st</sup> Runner-Up Team. The 2<sup>nd</sup> Runner-Up Team and the 3<sup>rd</sup> Runner-Up Team will be determined from the rankings in the Semi-final Rounds.
- (b) The Champion Team will represent Malaysia in the LAWASIA International Moot Competition held in the same year.
- (c) In the event the Moot Committee decides that there will be 2 teams that will represent Malaysia in the LAWASIA International Moot Competition:-
  - (i) the 1<sup>st</sup> Runner-Up Team (the other team of the Final Round) will be the second team to represent Malaysia in the International Rounds. Provided the 1<sup>st</sup> Runner-Up Team is from a different institution to that of the Champion Team.
  - (ii) In the event that the 1<sup>st</sup> Runner-Up Team is from the same institution to that of the Champion Team, the 2<sup>nd</sup> Runner-Up will then be the second team to represent Malaysia in the International Rounds.
  - (iii) In the event that both 1<sup>st</sup> Runner-Up and 2<sup>nd</sup> Runner-up Teams are from the same institution to that of the Champion Team, the 3<sup>rd</sup> Runner-Up will then be the second team to represent Malaysia in the International Rounds.
- (d) The teams progressing into the International Rounds must be represented by the same members of mooters who participated in the National Rounds.

### **14. 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.

### **15. Interpretation of Rules**

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