

OFFICIAL RULES
FOR THE FINAL ARGUMENT

UNITED STATES SEMI-FINAL DIVISION
AND
INTERNATIONAL DIVISION

OF THE

1974

PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

The American Society of International Law
The Association of Student International Law Societies
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I. ORGANIZATION

The Philip C. Jessup International Law Moot Court Competition is sponsored annually by the Association of Student International Law Societies (ASILS) and the American Society of International Law (ASIL) for students enrolled in ASILS member schools and other invited law schools. The Competition, administered by the Executive Secretary of the ASILS (hereinafter the Executive Secretary), consists of three rounds of arguments (Regionals, Semi-Final, and Final). Domestic regionals shall be held in designated geographical areas of the United States. Regionals in other countries shall be held at the option of the Executive Secretary and the organizer in that country. Semi-final and Final Rounds shall be held in Washington, D.C..

II. FACT PROBLEM

The hypothetical fact problem upon which the Competition is based will be written each year by a scholar of international law selected by the Executive Secretary. The same problem will be utilized in all arguments, rounds and divisions of the Competition.

III. ELIGIBILITY

Eligible to participate in the United States Semi-Final Division of the Jessup Competition are the winners of the Regional Rounds previously completed as per Article I of these Rules. Eligible to participate in the International Division are those teams selected in countries outside the United States as a result of regional competitions as per Article I, or in such other manner as deemed appropriate by the Executive Secretary and the organizer in the given country. There is no entry fee for participation in either the United States Semi-Final Division or the International Division.

IV. TEAMS

A. NUMBER: Each U.S. Regional Winner may enter one team in the United States Semi-Final Division. That team must be the same team which competed in the Regional Round. Each country outside the United States may enter one team in the International Division if approved by the Executive Secretary.

B. COMPOSITION: In both Divisions, a team shall be composed of from two to five students, who alone have researched and written the memorials. The names of all team members must be transmitted to the Semi-Final Administrator not later than ten days before the beginning of the Semi-Final Round.

Two or three team members shall be designated in the list as oralists. They need not be the same oralists who argued for that team in the Regional Rounds, but they must be Team Members as per Rule IV, B supra. As the U.S. Semi-Final and International Rounds commence, each team captain or faculty advisor shall be responsible for handing to the Semi-Final Administrator the names of the two oralists who will argue in each of the team's arguments during the Round (See Rule V.B.1 infra, Oral Arguments and Judging).

During each argument, one other team member may sit at table with the oralists as counsel. The person acting as counsel must be one of the five team members, but need not necessarily be one of those indicated as an oralist in the list transmitted to the Semi-Final Administrator. Moreover, the person acting as counsel need not be the same person in each argument.

C. PENALTIES: Failure to abide by the rules specifying composition of teams shall result in the following penalties. Failure to transmit a list in accordance with B, supra: Imposition of a one-point penalty imposed on the final score for each day tardy, with a maximum of ten points. Failure to submit the names of the two oralists who will participate in the four arguments the team will make: five points deducted from the final score. Use of oralist other than prior designated oralist, except in extraordinary circumstances with the special permission of the Executive Secretary: five points deducted from the final score.

Appeals: Emergency appeals must be directed to the Semi-Final Administrator. The decision of the Semi-Final Administrator may be appealed to the Executive Secretary, whose decision shall be final. (See Rules for Memorial Penalties.)

V. U.S. SEMI-FINAL AND INTERNATIONAL DIVISION COMPETITION

A. TIME AND PLACE OF ARGUMENT: The U.S. Semi-Final Division and International Division Rounds will be held in conjunction with the Annual Meeting of the American Society of International Law in Washington, D.C. The dates for the 1974 Semi-Final and International Rounds will be April 23-25, 1974.

No later than 18 days prior to the beginning of the Rounds, the Semi-Final Administrator or the Executive Secretary will notify the participating schools in both Divisions as to the exact time and place of the arguments, and of the pairings in the arguments. Initial pairings shall be final, except as modified by the Semi-Final Administrator or the Executive Secretary because of deletion of a team or teams, or because of addition of a team in the International Division. Each team in both Divisions will be assigned a number by the Semi-Final Administrator and must always be referred to on memorials and by others only by number and not by school name or by country.

B. U.S. SEMI-FINAL AND INTERNATIONAL DIVISION ROUNDS

1. Oral Arguments and Judging: Each Divisional Round shall consist of four sets of arguments. During the Round, each team shall argue twice as applicants and twice as respondents. A panel composed of three judges will sit for each oral argument, except in extraordinary circumstances by special permission of the Executive Secretary. No team will argue against any other team more than once, and no single judge or panel of judges shall judge a team more than once during either Round of the Competition, except in extraordinary circumstances and with the special permission of the Executive Secretary.

2. Memorial Judging: Each memorial shall receive scores from three different judges. Each of the three judges shall score the memorial independently of his colleagues, assigning a numerical score in accordance with the Memorial Scoring Instructions, infra. Each memorial judge shall submit his scores to the Semi-Final Administrator or the Executive Secretary prior to the first argument of the Round.

C. MEMORIALS

1. Identification: No school or national names or addresses of any kind shall appear anywhere on the memorials. The memorial shall be identified only by a number designated by the Semi-Final Administrator.

2. Number of Required Memorials: Each team in either Round shall prepare an applicant's memorial and a respondent's memorial.

3. Length: The body of the memorial shall be no more than 25 pages in length, excluding the title page, back cover (if any), Table of Contents, Index of Authorities, Jurisdiction, Statement of Facts, Questions Presented, and Summary of Argument. Footnotes, whether

placed at the bottom of the page or at the end of the memorial, will be included in the 25-page limitation. The argument section of the memorial is to be double-spaced. For purposes of this rule, double-spacing is defined as that spacing which will yield no more than 27 lines of type in a space nine inches in length. Footnotes, titles, quotations more than four lines in length, and all portions of the memorial other than the argument section, may be single-spaced.

Where special difficulties have been encountered by teams in the International Division in complying with this regulation, the Semi-Final Administrator with the approval of the Executive Secretary may waive the penalty specified in V.C.7.b. infra.

Each page is to have a one-inch margin at top, bottom, and sides on 8-1/2 " by 11" paper, except that where type smaller in size than standard pica is used (i.e., type smaller than ten spaces to the inch) the maximum length of each line of type is to be 65 spaces.

4. Form: (See Annex A) The Form of citations used shall be in accordance with the rules in A Uniform System of Citation (11th ed., 1967).

Memorials may be typed, mimeographed, Xeroxed, offset, or printed. Any type style is permissible except that no type style smaller than standard elite shall be used. Standard pica is preferred.

5. Submission of Memorials: The winner in each region of the U.S. Semi-Final Division shall be responsible for mailing (1) 24 copies of each of its memorials to the Semi-Final Round Administrator and (2) two copies of the appropriate memorial to each of its opponents in the Semi-Final Round. Memorials must be mailed 14 calendar days prior to the first day of Semi-Final Competition. To avoid disputes as to the exact date of postmark, no metered stamps shall be permitted; all mailings of memorials shall bear either a conventional dated postmark stamped by local postal authorities or a Pitney-Bowes stamp applied by the local postal authorities.

Participants in the International Division shall be responsible for mailing to the Executive Secretary 15 copies of each of its memorials. Memorials should be mailed six weeks prior to the first day of International Division competition, except by special arrangement with the Executive Secretary. Two copies of each of the appropriate memorials of their opponents shall be distributed by the Executive Secretary to the teams competing in the International Division upon their arrival in Washington, D.C.

6. Revision of Memorials: No team competing in the United States Semi-Final Division or for the Rutgers Award for Best Memorial

in National Competition may revise, reprint or in any other manner alter its memorials after the deadline for their submission in its particular Regional Round, except that a memorial may be edited to conform with the length requirement following the assessment of an excessive length penalty in that Regional Round.

No team competing in the International Division may revise, reprint or in any other manner alter its memorials after their submission to the Executive Secretary.

7. Penalties: The Semi-Final Administrator or the Executive Secretary, acting on his own motion or as the result of a complaint, must penalize memorials for tardiness, revision in any manner, excessive length, and failure to comply with the mailing requirements of the U.S. Semi-Final and International Divisions. Penalties shall be assessed as follows:

a. Penalty for Tardiness: In the U.S. Semi-Final Division, a penalty for tardiness in submitting a memorial shall be assessed as follows: postmark from one to four days late: five points; postmark five, six or seven days late: one-point penalty for each additional date; more than seven days late: elimination from the Competition.

In the International Division, penalties for tardiness shall be assessed as deemed appropriate by the Semi-Final Administrator with the approval of the Executive Secretary, taking into consideration difficulties which may be inherent in the international nature of the Competition (i.e., delays in mailing time which held up receipt of necessary materials by the competing teams and the like).

Penalties for tardiness in both divisions shall be assessed against each tardy memorial by deducting the penalty from each of the three memorial scores for that memorial submitted by the memorial judging panel.

b. Excessive Length: In both Divisions, a penalty for excessive length shall be assessed on the basis of two points for every page of argument over the 25-page limit. Penalties shall be deducted from the score of the offending memorial given by each member of the memorial judging panel. (See Rule V.C.3, supra.)

c. Penalty for Failure to Comply Substantially with Mailing Requirements of Dated Postmark, Air Mail or First Class and Registered or Certified Mail: Five points to be deducted from the score of the offending memorial given by each member of the memorial judging panel.

d. Penalty for Revision Contrary to Six, supra: 10 points to be deducted from the score of the offending memorial given by each member of the memorial judging panel.

e. Duration: Each penalty will be imposed in both divisions against the violating team in each argument of a Round. In the U.S. Semi-Final Division, no penalty will be imposed for violations already penalized during the Regional Round, except that where a team does not avail itself of the opportunity to edit its memorials to meet the length requirement as per V.C.6 supra, it will be subject to penalty under V.C.7 b supra.

D. PENALTIES: In addition to the specified penalties enumerated in these Official Rules, the Semi-Final Administrator may apply up to five penalty points for each violation of any of the rules of the Competition. The Semi-Final Administrator's decision may be appealed prior to the conclusion of the Round by submission to the Executive Secretary, who, if time permits, shall designate an ad hoc Board of Review of no more than three persons (preferably members of the ASILS Advisory Board), which shall issue a final decision. In no case shall any persons connected with a disputant team's school, whether as faculty or students, be appointed as members of the ad hoc Board of Review.

If time does not permit the designation of an ad hoc Board of Review, decision shall be by the Executive Secretary. Regardless of time, it will be within the Executive Secretary's discretion not to appoint an ad hoc Board of Review where the alleged infraction of the rules is de minimis.

All complaints shall be submitted not later than upon the conclusion of the Round to the Executive Secretary, the Semi-Final Administrator, and the team accused of violation. All complaints must include an allegation of injury to the complaining team, resulting from the alleged infraction by the accused team. The accused team shall be allowed to reply to the accusation. Upon receipt of complaint and reply, the Executive Secretary, whether by sole decision or by the decision of an ad hoc Board of Review, shall make a prompt decision whether a penalty is warranted. This decision shall be final.

E. EXHIBITS: The use of exhibits is permitted. Teams requiring special equipment in connection with an exhibit to be used during an oral argument (such as blackboards, holders for charts, pointers, lights, etc.) shall so inform the Semi-Final Administrator no later than 10 days prior to the beginning of the Semi-Final Round.

F. AWARDS: In each Division, one award for the best memorials shall be given by the Semi-Final Administrator to the team receiving the highest combined score from the memorial judging panel for its two memorials (after the imposition of any penalties). An award shall also be given by the Semi-Final Administrator to the best individual oralist based upon the total votes of the judges (see "Oral Scoring Instruction" and Rule VI.C. infra). Awards will also be given by the Semi-Final Administrator to the first-place and runner-up teams.

In addition, those memorials judged best in each of the U.S. Regional Rounds will be submitted to a panel of three judges. The team whose memorials are deemed best by this group will receive the Rutgers Award for Best Memorial in National Competition (for scoring, see Rule VI.C. infra).

VI. SCORING

In determining the winner of each argument, except as otherwise provided herein, penalties shall be subtracted from each judge's oral or memorial score, as appropriate, and in accordance with the Official Rules. Except as otherwise provided herein, penalties shall be subtracted prior to the determination of the aggregate memorial-oral score, as provided by V.C.7 and V.D. supra. A sheet of scoring instructions and a scoring sheet (see Annexes, infra) shall be given to each memorial and oral judge.

A. WINNER OF AN ARGUMENT: The winner of each argument shall be the team which has received the highest score out of a possible nine points, in accordance with the following rules: One point shall be given for each of the three possible times that a team's memorial has been given a higher score than the memorial of its opponent. Two points shall be given for each oral winning score for each of the three judges of the oral argument. Where, in extraordinary circumstances and consistent with these Rules, a panel for oral argument consists of two judges, three points shall be given for each oral winning score for each of the two judges of the oral argument. Where in extraordinary circumstances and consistent with these Rules, memorials have been judged by only two judges, a hypothetical third score will be used for purposes of this section. This score will be determined by adding together the memorial scores given by each of the two judges and dividing by two.

The winner of each argument shall not be announced until the conclusion of all arguments.

B. WINNER OF THE ROUND: The winner of each Division shall be the team that has won the most arguments in that Division.

If there is a tie for first place at the end of a Divisional Round, the winner shall be the team which received the most judging points as per Rule VI.A. supra. The highest number of points a team could have received would thus be 36. If two or more teams remain tied for first place after this computation, the winner shall be determined on the basis of the total of all 100-point-based scores assigned to it by oral and memorial judges, doubling the sum of the oral scores. If a tie remains after a comparison of 100-point-based scores, a run-off shall be conducted, in full accordance with these Official Rules.

C. RUTGERS AWARD AND BEST MEMORIAL WINNERS: The winner of Best Memorial in both Divisions, and of the Rutgers Award, shall be determined on the basis of the cumulative total of 100-point-based scores for both applicant's and respondent's memorials given by the three memorial judges. The highest possible score for Best Memorial in either Division, or for the Rutgers Award, would thus be 600 points.

D. BEST ORALIST: The winner of the Best Oralist Award in each Division shall be that person who was deemed best oralist by the greatest number of judges, with each judge's vote counting as one point. The maximum possible number of votes for best oralist would thus be 12. In the event that a panel has consisted of only two judges (in extraordinary circumstances with the permission of the Executive Secretary) the votes of each of those two judges will be weighted to equal 1.5, in the scoring for best oralist.

E. NOTIFICATION OF SCORES: The Semi-Final Administrator and the Executive Secretary will notify all participants in both Divisions of the final scores within 24 hours of the completion of the U.S. Semi-Final and International Division Rounds. Final written notification will be furnished to all participants within 30 days following the Final Argument. Such written notification will include the aggregate point totals respectively assessed by the oral and memorial judges for each argument which took place during the U.S. Semi-Final and International Division Rounds, and during the Final Argument.

VII. OUTSIDE ASSISTANCE

Outside assistance, including that from faculty members, rendered to a team in the preparation of its case, shall be limited to general

discussion, critiques, or intramural eliminations, which are not designed to affect the substance of a team's memorial or oral argument. In interpreting this rule, emphasis shall be put on the purpose of the Competition; that is, to develop an unassisted appreciation and understanding of international law through individual and team effort.

VIII. OTHER RULES

Either the Executive Secretary or Semi-Final Administrator, with the Executive Secretary's approval, may interpret the official rules, and prior to the conclusion of a Round, promulgate such other measures as may be deemed advisable for the orderly conduct of a Round, provided that these measures do not conflict with any of the Official Rules.

IX. SCOUTING

All scouting by agents of participating teams shall be prohibited. Neither shall any team members be allowed to attend any arguments other than the ones in which their own team participates during any Round in which their team is competing.

Any allegation of scouting shall be submitted in writing to the Semi-Final Round Administrator, who shall thereupon investigate. At the same time, a copy of the allegation shall also be sent by the accusing team to the accused team. If, in the judgment of the Administrator, a willful infringement has in fact occurred, the Administrator shall disqualify the team from the argument(s) which he deems would have been most closely affected by it. A written report by the Semi-Final Administrator of his action shall be submitted without delay to the Executive Secretary.

X. DISPUTES AND PETITIONS FOR RELIEF

Any disputes between or among participating teams as to interpretation of these rules and any petitions for relief from the imposition of any of these rules shall be referred to the Executive Secretary, whose decision shall be final. The Executive Secretary, if time permits, shall designate an ad hoc Board of Review of no more than three persons (preferably members of the ASILS Advisory Board). The decision of the ad hoc Board of Review shall be final. In no case shall anyone connected in any way with any school or team involved in a dispute be appointed as a member of the ad hoc Board of Review.

XI. WITHDRAWAL OR INABILITY TO COMPETE

Where a team eligible to participate in the U.S. Semi-Final Division either withdraws or is unable to compete, it will so notify the Executive Secretary without delay. If time permits, the Executive Secretary will invite the Second-Place Winner in the appropriate Regional Round to participate in the U.S. Semi-Final Division. If time does not permit, or if the second-place team is unable or unwilling to compete, the U.S. Semi-Final Division will nonetheless take place as scheduled with no representative from the affected region.

XII. FINAL ARGUMENT

The winners of the two divisional competitions shall participate in the Final Argument, which will take place within one week after the close of the U.S. Semi-Final and International Division Rounds, before a three-judge panel. One team will argue for applicant, and the other for respondent. Prior to the Final Argument, the participating teams will meet and decide among themselves as to which side each team will argue. If they are unable to agree, the dispute will be resolved by the Semi-Final Administrator or the Executive Secretary in an appropriate manner.

The winner of the Final Argument shall be deemed the winner of the annual Philip C. Jessup Competition and shall be awarded possession of the Philip C. Jessup Cup until the next U.S. Semi-Final and International Division Competition. The prior year's winner is responsible for transporting the Cup to the Final Round of the next Competition, and for transferring possession of the Cup to the Executive Secretary.

XIII. ANNUAL REPORT

After the Final Round, the Executive Secretary shall send a report to all teams that participated in the Competition. This report shall, at a minimum, indicate the winners, the best memorials and best oralists in the Regional Rounds; the winner, best memorial and oralist awards in both Semi-Final Divisions; and the winner of the Final Round.

XIV. ANNEXES

The Oral Scoring Instructions, the Memorial Scoring Instructions, and the Explanation of the Scoring Procedure attached as annexes infra, are integrated as rules herein.

XV. APPLICABILITY

Except where otherwise noted, and as appropriate, these Rules apply equally to the U.S. Semi-Final Division Round and to the International Division Round.

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NOTE: This form is only an example, and may be altered as teams may see fit. Pursuant to Rule V-D (4), citations must, however, conform to A UNIFORM SYSTEM OF CITATION, Harvard (11th ed. 1967).