

OFFICIAL RULES  
FOR THE  
UNITED STATES ROUNDS OF THE  
1974  
PHILIP C. JESSUP  
INTERNATIONAL LAW MOOT COURT COMPETITION

The American Society of International Law  
The Association of Student International Law Societies  
2223 Massachusetts Avenue, N.W.  
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1974 PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

OFFICIAL RULES

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OFFICIAL RULES FOR THE  
PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

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, 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. A single law school will host each Regional Round and will appoint a Regional Administrator; if a student is so appointed, the host school will also appoint a faculty adviser for that round.

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 of ASILS.

III. ELIGIBILITY

All ASILS member societies are eligible to compete in the Jessup Competition. Other law schools may become eligible when their application for participation in the Competition is approved by the Executive Secretary. Such approval shall be based on a demonstration by the applicant law school of substantial involvement in the field of international law, as evidenced, for example, by the existence of a student international law society, substantial student interest in moot court competition, and the existence of international law curricula and library holdings. A school shall not be eligible to participate in the Competition if it has already participated for two years without having applied for membership in the Association of Student International Law Societies. This requirement may be waived by the Executive Secretary upon showing of cause for relief by the respective school. All participating U.S. schools shall submit an entrance fee (\$15.00 for ASILS member schools, \$25.00 for non-member schools), together with a notice of intent to participate, not later

than November 30th. Entrance fees in foreign Regionals shall be fixed at the discretion of the organizer in that country subject to the approval of the Executive Secretary.

#### IV. TEAMS

A. NUMBER: Each eligible school may enter one team in the Competition.

B. COMPOSITION: A team shall be composed of from two to five students, who alone shall research and write the memorials. The names of all team members must be transmitted to the Regional Administrator not later than 10 days before the beginning of the Regional Round. All team members shall be studying for the J.D. or its equivalent, in order to qualify for the competition. In exceptional circumstances, the Executive Secretary, upon written request, may permit the participation of students studying for an advanced graduate-level law degree.

Two or three team members shall be designated as oralists. The names of the two or three oralists shall be specified in the list indicated in B, supra. As the Regional Round begins, before the first argument commences, the team captain or faculty advisor shall be responsible for handing to the Regional Administrator the names of the two oralists who will argue in each of the team's arguments during the Round. (See Rule C.1 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 Regional 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 during the Regional: 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 Regional Administrator. The decision of the Regional Administrator may be appealed to the Executive Secretary, whose decision shall be final. (See Rules for Memorial Penalties.)

## V. REGIONAL COMPETITION

A. TIME AND PLACE OF ARGUMENT: All domestic Regionals shall be held during either of the first two weekends in March. If direct conflict with any competing school's examination period would result, a change in the dates of a Regional may be made, if approved in writing by each school participating within that region and endorsed by the Regional Administrator and the Executive Secretary.

Regionals in foreign countries shall be held at the discretion of the Regional Administrator for the country with the approval of the Executive Secretary. It is suggested that foreign Regionals be held during approximately the same time period as the domestic Regionals in order that the winning team's memorials can be transmitted to the United States in time for distribution to judges and opponents in the Semi-Final Rounds.

The Executive Secretary shall notify the Regional host and the participating schools not later than December 14, of the Regional groupings. No later than February 14, the Regional Administrators shall notify each participating school of the pairings and of the exact time and place of its Regionals. Initial pairings shall be final, except as modified by the Regional Administrator because of the addition or deletion of a team or teams. Each team in the Regional should be assigned a number by the Regional Administrator and must always be referred to on memorials and by others only by number, and not by school name.

B. SCOPE OF REGIONS: A Regional Round shall be composed, wherever possible, of the same number of teams in all regions.

### C. ROUNDS:

1. Oral Arguments and Judging: The Regional shall consist of four sets of arguments. During the Regional, each team shall argue twice as appellants 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 single judge or panel of judges shall judge a team more than once during any Round of the Competition, except in extraordinary circumstances and with the special permission of the Executive Secretary.

2. Memorial Judging: Each memorial shall receive three separate scores. 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 Regional Administrator prior to the first oral argument of the Regional Round.

D. MEMORIALS:

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

2. Number of Required Memorials: Each team in the Competition shall prepare an appellant'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. 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., elite), 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), a copy of which the Regional Administrator shall provide each member of the memorial judging panel.

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: Each team shall mail 22 copies of its appellant memorial and 22 copies of its respondent memorial to the Regional Administrator for use by the judges and opposing teams. Each team shall also mail one copy of each memorial to the Executive Secretary. Non-metered stamps must be used, and mailing must be by air or first class and registered or certified. Delivery by hand to the Regional Administrator and/or the Executive Secretary is also permissible. The deadline for mailing of memorials or delivery by hand is 14 calendar days before the date of the first day of the Regional Competition.

The Regional winner 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.

6. Revision of Memorials: No team may revise, reprint or in any other manner alter its memorials after the deadline for their submission in any Round of the Competition, except that a Regional winner may revise the memorial to conform with the length requirement following the assessment of an excessive length penalty in a Regional Round.

7. Penalties: Upon the bringing of a complaint, which must be communicated prior to the conclusion of the Regional Round, the Regional Administrator must penalize memorials for tardiness, non-compliance with IV (B), revision in any manner, excessive length, and failure to comply with the mailing requirements.

a. Penalty for Tardiness: A penalty for tardiness in submitting a memorial shall be assessed by the Regional Administrator 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.

b. Excessive Length: A penalty for excessive length shall be assessed by the Regional Administrator on the basis of two points for every page of argument over the 25-page limit. Penalties shall be deducted from each of the three memorial scores submitted by the memorial judging panel.

c. Penalty for Failure to Comply Substantially with Mailing Requirements of Dated Postmark, Air Mail or First Class and Registered or Certified Mail: 5 points.

d. Penalty for Revision Contrary to Six, supra: 10 points.

e. Duration: Each penalty will be imposed against the violating team in each argument of a Round.

E. PENALTIES: In addition to the specified penalties enumerated in these Official Rules, the Regional Administrator may apply up to five penalty points for each violation of any of the rules of the Competition. The Regional 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 Regional 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.

F. 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 Regional Administrator no later than 10 days prior to the beginning of the Regional Round.

G. AWARDS: One award for the best memorials shall be given by the Regional 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 Regional Administrator to the best individual oralist based upon the total votes of the judges (see "Oral Scoring Instruction"). If the number of judges on any panel, due to extraordinary circumstances, was only two, each of their votes will count as 1.5 votes in determining the best oralist for purposes of this section. Awards will also be given by the Regional Administrator to the first-place and runner-up teams.

## 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-D-7 and V-E, 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 9 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 a Round shall be the team that has won the most arguments.

If there is a tie for first place at the end of the Round, 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-based scores, a run-off shall be conducted, in full accordance with these Official Rules.

C. NOTIFICATION OF SCORES: Upon completion of a Regional Round, and prior to the Semi-Final Rounds, the Regional Administrator shall immediately submit to each of the participating teams the aggregate point totals respectively assessed by the oral and memorial judges for each argument which took place during the Regional.

## 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 a Regional or Semi-Final and Final Round 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 Regional Administrator or 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 Regional or Semi-Final Administrator of his action shall be submitted without delay to the Executive Secretary.

#### X. INTRAMURAL COMPETITION

The Jessup problem may be used in intramural eliminations. A school may choose the team which will represent it in the Rounds of the Competition by means of an intramural elimination competition. (See Rules IV-B, Composition of Teams; and VII, Outside Assistance.)

#### XI. 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.

#### XII. WITHDRAWAL FROM THE COMPETITION

Any team withdrawing after notification of its intent to participate has been accepted by the Executive Secretary shall forfeit its entrance fee. Failure timely to notify the Executive Secretary of

intended withdrawal shall subject that team's school to probationary review at the Annual Meeting of the ASILS.

### XIII. SEMI-FINAL AND FINAL ROUNDS

The Regional Winners shall meet and participate in the Semi-Final Rounds, which shall be held concurrently with the International Division Round of the Competition. The winner of Semi-Final Round and the winner of the International Division Round shall meet and participate in the Final Round, the winner of which shall be deemed the winner of The Philip C. Jessup International Law Moot Court Competition.

### XIV. ANNUAL REPORT

After the Final Round, the Executive Secretary shall send a report to all teams that participated in the Competition. This report shall, as 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.

### XV. 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.

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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).

PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

MEMORIAL SCORING INSTRUCTIONS

Memorials shall be scored individually by each Memorial Judge, independently of his colleagues, by assigning a grade between 60 and 100. Excellent is 85-100; good is 75-85; average is 65-75; and poor is 60-65. To avoid a tie between memorial scores, all scores for applicants shall be even-numbered, and all scores for respondents shall be odd-numbered. These scoring requirements shall not be construed to discourage a comparison of applicant's memorial with respondent's memorial. The scoring factors to be considered (without regard to their order of importance), include, but are not limited to:

1. Grammar, style
2. Proper and articulate analysis of the issues involved
3. Use of authorities and extent of research
4. Logic and reasoning
5. Ingenuity
6. Clarity and organization
7. Persuasiveness
8. Correctness of format and citations
9. Thoroughness

Judges should carefully read the special memorandum to judges on the issues and arguments in the case. But it should be stressed that, in doing so, judges should not consider the memorandum an air-tight, school solution to the problem, but should look favorably upon sound, creative presentation of issues and arguments which may not appear in the memorandum.

Furthermore, the substantive merits of the case shall not be considered in judging the memorials.

Scores shall be tendered to the Regional Administrator prior to the first oral argument of the Regional Round.

Memorials are to be judged on the type of criteria enumerated above, and not upon their appearance. Memorials are not to be penalized for being of less pleasing physical appearance unless this results from the infraction of a specific rule of the contest (i.e., no margins), or from a general carelessness of preparation.

PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

Title of Regional:

Location:

Date:

MEMORIAL SCORING SUMMARY

Team	Applicant Memorial (Even-numbered Score)	Respondent Memorial (Odd-numbered Score)
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Signature of  
Memorial Judge \_\_\_\_\_

PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

ORAL SCORING INSTRUCTIONS

(Please Review Prior to Oral Argument)

Each team is given 45 minutes to argue, of which no more than 10 minutes may be reserved for rebuttal or surrebuttal. No single oralist shall argue longer than 25 minutes. Extension of team time beyond 45 minutes, which in no case shall exceed 10 minutes beyond the total time allocated for presentation, shall be within the discretion of the judges. Strict anonymity of school identities shall be ensured as far as possible. Teams shall be identified throughout the round only by numbers, not by names of schools.

After the oral arguments, and after carefully reviewing the memorials, the judges shall retire to deliberate and exchange opinions. They shall then individually mark their scoring summaries without comparison with the scoring summaries of their fellow judges. Each oral judge shall also select a best individual oralist for each round.

For the single purpose of resolving a possible tie, points shall be awarded as follows: Excellent (85-100); good (75-85); average (65-75); poor (60-65).

Factors to be considered in assessing points, without regard to order of importance, include, but are not limited to:

- |  |                   |
|--|-------------------|
| 1) Correct and articulate analysis of the issues | 5) Clarity        |
| 2) Familiarity with authorities                  | 6) Ingenuity      |
| 3) Response to questions                         | 7) Organization   |
| 4) Poise   | 8) Persuasiveness |

Judges should carefully read the special memorandum to judges on the issues and arguments in the case. But it should be stressed that, in doing so, judges should not consider the memorandum an air-tight, school solution to the problem, but should look favorably upon sound, creative presentation of issues and arguments which may not appear in the memorandum.

Furthermore, it should be noted that a team has no choice as to which side of a dispute it must represent during a particular argument; therefore, the Court's scoring should not be influenced by the substantive merits of the case.

See explanation of scoring procedure, attached.

PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

Title of Regional:  
Location:

Date:

Applicant: Team No. \_\_\_\_\_ Respondent: Team No. \_\_\_\_\_

ORAL SCORING SUMMARY

I deem \_\_\_\_\_ the winning team, with \_\_\_\_\_  
Applicant or Respondent  
points and \_\_\_\_\_ the losing team, with \_\_\_\_\_  
points.

I deem \_\_\_\_\_ the Best Individual Oralist.

Signature \_\_\_\_\_

## EXPLANATION OF JESSUP COMPETITION SCORING PROCEDURE

A. WINNER OF AN ARGUMENT: The winner of each argument shall be the team which has received the higher score out of a total of 9 points, which are awarded as follows: One point is given for each time that a team's memorial was given a higher grade than its opponent's memorial by a memorial judge. There are 3 possible memorial points. Two points are given for each time that an oral judge gave a team a higher grade than its opponent in oral argument. There are 6 possible oral argument points.

In extraordinary circumstances and with special permission of the Executive Secretary, the rules contemplate that two-member judging panels may be utilized, either for judging memorials or oral arguments. In the case of memorials, a hypothetical third judge's score will be created by awarding to it an amount of points equal in number to 50% of those given by each of the two-panel members. For example, on a two-judge panel, if judge A awarded the memorial 85 points, and judge B awarded it 89 points, the hypothetical score would be 87: 42.5 plus 44.5. In the case of oral judging, where there is a two-judge panel, three points will be awarded for each time one of the two gave a team a higher grade than its opponent.

B. WINNER OF A ROUND: The winner of a Regional Round or Semi-Final Round (i.e., the National and International Rounds) shall be the team with the best won/loss record from the 4 arguments in that Round. If there are two or more teams with the same won/loss record, their ranking in the Round shall be determined by adding together the numerical scores given by each oral judge (12); the numerical score total is then doubled; added to the double numerical score total is the total of the numerical scores (6) given for the team's memorials. The use of the numerical point total is only to break a tie in the won/loss column.

C. WINNER OF THE FINAL ROUND: The winner of the Final Round is determined in the same manner as the winner of an argument. The team which wins the Final Round becomes the Jessup Champion team.