

OFFICIAL RULES
FOR THE
CANADIAN AND NATIONAL
DIVISIONS
OF THE
1977
PHILIP C. JESSUP
INTERNATIONAL LAW MOOT COURT COMPETITION

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OFFICIAL RULES FOR THE

1977 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 (Regional, Semi-Final and Final). Domestic regionals shall be held in designated geographical areas of the United States, Semi-final and Final rounds shall be held at the site of the ASIL/ASILS Annual Meeting. A single law school will host each Regional and will appoint a Regional Administrator; if a student is so appointed, the host school will also appoint a faculty adviser for that Regional.

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 applications for participation in the Competition are 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 (\$115.00 for ASILS member schools, \$125.00 for non-member schools), together with a notice of intent to participate, by October 29. An additional \$10.00 will be charged for applications mailed after midnight, October 29, and before the final deadline of November 26. Entrance fees in the Canadian Regional shall be fixed at the discretion of the regional administrator 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 shall 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. A team member must be a full or part-time student at only one school. In exceptional circumstances, the Executive Secretary, upon written request, may permit the participation of students studying for an advanced graduate-level law degree. Team members will be chosen by any method approved by their respective law schools including intramural competition utilizing the Jessup problem.

Any member of the team may act as an oralist during any argument of any round. However, to be eligible for any oralist award a competitor must have argued twice during the round. Only two oralists will argue each argument.

During each argument, one other team member may sit at the table with the oralists as counsel. The person acting as counsel must be one of the five team members. Moreover, the person acting as counsel need not be the same person in each argument. Only the judges, the two oralists, and the person designated as counsel may communicate during the argument. There shall be no communication between the counsel table and any other individual during the argument.

V. REGIONAL COMPETITION

A. Time and Place of Argument. All U.S. Regionals shall be held during either the first or second weekend 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. The Canadian Regional shall be held during the last week in February.

The Executive Secretary shall notify the Regional host and the participating schools not later than the week of November 29, of the Regional groupings. No later than February 4 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 to be used on memorials and by others during the competition. The school name must not appear on the memorial, nor may it be used to identify a team or member in anyway (as by nametag) during the competition.

Any team which is not present at the time and place designated by the Regional Administrator for its assigned regional round will be deemed to have forfeited its arguments. If the Regional Administrator has reason to believe that the team has been delayed for reasons beyond its control, however, and if he or she can do so without injury to those teams which are present, he or she may take whatever ameliorative action which may seem to the Administrator appropriate, i.e., delaying the beginning of the round for a reasonable period of time, rescheduling arguments, and the like.

B. Scope of Regions. A Regional Round shall be composed, wherever possible, of the same number of teams in all regions.

C. Regionals.

1. Oral Arguments and Judging. The Regional shall consist of four sets of arguments. During the Regional, 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 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. 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 one in which their own team participates during any Round in which their team is participating.

3. Memorial Judging. Each memorial shall receive three separate scores. Each of the three memorial judges shall score the memorial independently of his colleagues, assigning a numerical score in accordance with the Memorial Scoring Instructions (see Annex E). Each memorial judge shall submit his or her 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. The names of individual team members shall appear on the cover. Team

INTENTIONAL
BLANK

against whom they are paired in the Regional. Non-metered stamps must be used, and mailing must be by priority or first class and registered or certified. Deadline for these mailings: Midnight, February 11.

8. Revision of Memorials. No team may revise, reprint, or in any other manner alter its memorials after the deadline for their submission, 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.

E. Exhibits. The use of exhibits, other than documents or hand-outs, is permitted. Teams requiring special equipment in connection with an exhibit to be used during an oral argument (such as blackboard, 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. Failure to comply may eliminate the possibility of having materials available.

F. 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. Awards will also be given by the Regional Administrator to the first-place and runner-up teams.

VI. PENALTIES

The following is an inclusive list of penalties which may be imposed on a team. It is extremely important that each team have a thorough understanding of the contents of this section. The issue of penalties arises when the Administrator as a result of his or her own motion or as the result of a complaint must ascertain the facts of a situation in order to determine if an infraction has occurred. All complaints must be addressed to the Administrator and the team accused of a 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 Administrator shall make a prompt decision as to whether a penalty is warranted.

Complaints pertaining to memorials must be submitted prior to the commencement of the competitor orientation session. Complaints pertaining to oral arguments must be submitted prior to completion of the round. Penalty points will be assessed against the score given by each (as appropriate) oral argument

or memorial judge.

The power of the Administrator to assess penalties is divided into two categories: nondiscretionary and discretionary.

A. Nondiscretionary Penalties. For the following, the Administrator acting on his or her own motion or as a result of a complaint, will determine the facts of the situation as they apply to the alleged infraction. If he or she determines that the facts constitute a violation, then the penalty will be assessed mechanically with the Administrator having no discretion in the matter. This means that there can be no ameliorative attempts, equitable remedies, or waiver of the rules by the Administrator nor by the competitors.

1. Memorial Rules.

<u>Violation</u>	<u>Penalty</u>
a. Tardiness in submitting any memorial (for memorials postmarked between February 12 and February 15, inclusive):	5 points
b. Extreme tardiness in submitting any memorial (for memorials postmarked between February 16 and February 18, inclusive).	1 point per day
c. Unacceptable tardiness in submitting any memorial (for memorials postmarked after February 18).	Elimination from competition.
d. Failure to mail memorials with non-metered stamps.	1 point
e. Failure to send memorials registered or certified (penalty suspended if memorials arrive within 5 working days of proper mailing date).	1 point
f. Excessive memorial length	2 points per page over 25 pages
g. Form and Style violations (except for excessive memorial length) (administrator also shall restructure memorial as to style requirements in order to determine actual length of memorial).	2 points per category of violation

h. Revision after submission date. 5 points.

2. Oral Argument Rules.

Violation

Penalty

a. Communication between counsel table and any person (other than judges) during the argument.

3 points

b. Submission of additional written materials to oral judges, whether prior to, during, or after argument.

-3 points

c. Scouting (must have been of benefit to violator's team).

Disqualification from closely affected rounds.

B. Discretionary Penalties. The Administrator may assess up to 5 points (oral or memorial, depending upon time of infraction) for each action by a team which substantially prejudices the conduct of the competition.

C. Appeals. All penalties assessed by the Regional Administrator may be appealed to the Executive Secretary. As all complaints and penalty assessments as to memorials (except for late revisions or cases of fraudulent concealment) must be made prior to the beginning of oral arguments, so also must appeals relating to memorials. Appeals relating to oral arguments and all non-discretionary penalty assessments must be made prior to the conclusion of the Round. In no case may a complaint be placed with the Executive Secretary except by appeal from the decision of the Regional Administrator. All complaints arising from a semi-final or the final round in San Francisco shall be registered with the Executive Secretary, whose decision shall be final.

With regard to nondiscretionary penalty assessments, a strong presumption of correctness as to the finding of fact shall lie in the decision of the Regional Administrator. Clear and convincing evidence must be shown in order to rebut such presumption on appeal. No such presumption shall exist with regard to a discretionary penalty assessment by the Regional Administrator.

VII. SCORING

In determining the winner of each argument, penalties shall be subtracted from each judge's oral or memorial score, as appropriate. Except as otherwise provided herein, penalties shall be subtracted prior to the determination of the aggregate memorial-oral score. A sheet of scoring instructions and a scoring sheet

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 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, 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 Round (Regional, Semi-final National or International) 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 judging point scores for each argument. These total nine per argument, so the maximum possible number of judging points would be 36 for the Round. If two or more teams remain tied after following this procedure, their ranking in the Round shall then be determined by adding together the numerical scores given by each oral judge (2400 possible points) and the total numerical scores (1200 possible points) given for the team's memorials. The use of the numerical point total is only to break a tie in the judging point totals.

C. Final Round. The Final Round of the Competition consists of one argument between the winner of the National Division and the International Division. The winner of this argument shall be determined by a vote of the three Final Round judges. Each judge, after considering both the memorials and oral arguments, shall cast one vote. The team which receives the most votes wins the Final Round and becomes the Jessup Champion.

D. Best Memorial Winner. The winner of Best Memorial in the Regional Round shall be determined on the basis of the cumulative total of 100-point-based scores, after deducting penalty points,

for both applicant's and respondent's memorials given by the three memorial judges. The highest possible score for Best Memorial in the Round would thus be 600 points.

E. Best Oralist. The winner of the Best Oralist Award shall be that person with the highest average individual oral score, computed as follows: For each oralist, total all individual oral scores received and divide by the number of oral judges scoring that oralist. To qualify, a participant must argue at least twice during the round.

F. Notification of Scores. Upon completion of a Regional and prior to the Semi-Final Rounds, the Regional Administrator shall as soon as possible 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.

VIII. OUTSIDE ASSISTANCE

Outside assistance rendered to a team in the preparation of its case, including that from faculty members, shall be limited to general discussion of issues, suggestions as to research sources, and decision-making in intramural eliminations. Once the basis research of the topic has been completed, further discussion of the issues with such outside advisers should be terminated. Those who have rendered outside assistance and who are later requested to act as judges in practice rounds shall be requested to limit their questioning as judges only to those areas of the law which have been previously discussed. After the basic research is completed, critiques going to the substantive issues are prohibited. Those requested to act as judges must be informed of these rules. The purpose of these rules are to develop an unassisted appreciation and understanding of international law through individual and team effort.

IX. PROMULGATION OF ADDITIONAL RULES

Either the Executive Secretary or a Regional Administrator, with the Executive Secretary's approval, may interpret the Official Rules, and may promulgate, prior to the conclusion of a Regional, 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.

X. 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 to notify the Executive Secretary timely of intended withdrawal shall subject that team's school to probationary review at the Annual Meeting of the ASILS.

XI. 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 the 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. The Official Rules, except for the appropriate dates which are included in the Official Timetable, shall apply to the semi-final Rounds.

XII. 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.

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ANNEX C

PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

ORAL SCORING INSTRUCTIONS

(Please Review Prior to Oral Arguments)

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 rounds only by number, not by names of schools.

During the argument, each oral judge should tentatively score each oralist at the conclusion of his or her presentation. Following the argument, the judges shall retire to deliberate and exchange opinions. They shall then individually mark their scoring summaries without comparisons with the scoring summaries of their fellow judges.

The team score shall be the total of the two individual oralist scores. Oralist scores 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.

ANNEX D.

PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

Division: _____

Location: _____

Date: _____

ORAL SCORING SUMMARY

Applicant: Team No. _____

First Oralist (Name) _____

Second Oralist _____

Total Team Score _____

Score

Respondent: Team No. _____

First Oralist _____

Second Oralist _____

Total Team Score _____

I deem Team No. _____ the winner with total team score

of _____ and Team No. _____ the loser with total team

score of _____

Signature _____

(over)

ANNEX E
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 issues and arguments in the case. But it should be stressed that, in doing so, judges should not consider the memorandum an airtight, 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.

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.

ANNEX F
PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

Division:

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 _____