

OFFICIAL RULES
FOR THE
INTERNATIONAL
DIVISION
OF THE
1980
PHILIP C. JESSUP
INTERNATIONAL LAW MOOT COURT COMPETITION

The Association of Student International
Law Societies
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RULES - INTERNATIONAL DIVISION

I. ORGANIZATION

The Philip C. Jessup International Law Moot Court Competition is sponsored annually by the Association of Student International Law Societies (ASILS), the American Society of International Law (ASIL) and the International Communication Agency, 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, on a subject of timely interest. The same problem will be utilized in all arguments, rounds and division of the Competition.

III. ELIGIBILITY

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 the International Division Semi-Finals.

IV. TEAMS

A. Number: Each country outside the United States may enter one team in the International Division if approved by the Executive Secretary.

B. Composition: A team shall be composed of not less than two and not more than 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 March 1, 1980. The fact that a team may include up to five students is not meant to imply that more than two students should be sent, since funding might not be available.

Any member of a 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 in 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, including the oralist while he is arguing.

Only students who have not completed legal studies sufficient to enable them to practice law will be allowed to participate. Therefore, persons pursuing degrees higher than the basic law degree are ineligible while persons who have finished academic studies, but are required by their country's system to apprentice with a lawyer before being able to practice law, are eligible.

No team in the International Division may have as a member anyone who has attended an American law school, unless it was only for a summer session.

V. INTERNATIONAL DIVISION SEMI-FINAL COMPETITION

A. Time and Place of Argument. The International Division Rounds will be held in conjunction with the Annual Meeting of the American Society of International Law in Washington, D.C.

Initial pairings shall be final, except as modified by the Executive Secretary because of deletion or addition of a team or teams. Each team in the Division will be assigned a number by the Executive Secretary and must always be referred to on memorials and by others only by number and not by school name or by country.

B. Semi-Final Round

1. Oral Arguments and Judging: The International Division Semi-Final 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 any Round of the Competition, except in extraordinary circumstances and with the special permission of the Executive Secretary.

2. Memorial Judges: Each memorial shall receive scores from three different judges except in extraordinary circumstances and with special permission of the Executive Secretary. 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 Executive Secretary prior to the first argument of the Round.

3. 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 the Round unless advance permission is obtained from the arguing teams. Except no team member will be allowed to attend arguments in which a prospective opponent team participates.

C. 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 Executive Secretary. The names of individual team members shall appear on the cover. Team members may sign the memorial at the conclusion.

2. Required Memorials: Each team in the competition 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, including the conclusion, annexes, appendices, and footnotes; but 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 may be placed either at the bottom of the page, within the body of the argument, or at the end of the memorial. No issue or argument not discussed within the body of the memorial shall be included in any other section of the memorial. The argument section of the memorial is to be double-spaced. Footnotes and titles more than one line in length, and all portions of the memorial other than the argument section may be single spaced. 8¹/₂" x 11" paper is to be used in the memorial, but if such paper is not practicably available, then standard legal paper of the individual country may be used.

4. Prohibition on submission of additional written memorials: No written materials, other than the memorials, may be submitted by a team to oral judges, prior to, during, or after the argument.

5. Form: Memorials must be typewritten and reproduced by mimeograph, xerox, or offset. No part of the memorial, including the cover shall be printed or press-typed. Any type style is permissible except that no type style smaller than standard elite (12 spaces to the inch) shall be used. Standard pica is preferred.

Memorials must be fastened by staples; no other types of fastening (such as tape) is permitted. Applicant and respondent memorials must be differentiated by different colored covers.

6. Citations and Footnotes: (see Annex B). The form of citations used shall be in accordance with the rules in the twelfth edition of a UNIFORM SYSTEM OF CITATION. Footnotes may be placed either at the bottom of the page, within the body of the argument, or at the end of the memorial.

7. Mailing of Memorials: Mailing of memorials must be done by postage stamps. Use of metered stamps is prohibited, either private or post office. If the post office refuses to give postage stamps then obtain proof thereof to avoid penalty assessment.

8. Submission of Memorials: Each team shall mail 17 copies of its applicant memorial and 17 copies of its respondent memorial to the Executive Secretary : for use by the judges.

Non-metered stamps must be used, and mailing must be by air. Deadline for these mailings: Midnight, March 10, 1980.

9. Revision of Memorials: No team may revise, substitute, add, delete, or in any other manner alter its memorials after the deadline for their submission. However, if a revision is made on a non-substantive part of the memorial (substantive part of the memorial is the argument section) or if pages are inadvertently left out in the collating process either in the substantive or non-substantive section of the memorial, for example, then a discretionary penalty may be imposed by the Regional Administrator in assessing the facts.

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 the 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. However, no written materials shall be passed to the judge's before, during or after the argument.

F. Oral Communications. No oral (or written) communication may take place between counsel table and any person (other than judges) during the argument. No oral or written communication may take place between counsel table and an oralist while the oralist is presenting his or her argument.

G. Awards: One award for the best memorial 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 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 Executive Secretary as a result of his or her own motion or as a 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. The accused team shall be allowed to reply to the accusation. Upon receipt of complaint and reply, the Executive Secretary shall make prompt decision as to whether a penalty is warranted.

Complaints pertaining to memorials must be submitted in writing to the Executive Secretary and the allegedly violating team 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 Executive Secretary to assess penalties is divided into two categories: nondiscretionary and discretionary.

Nondiscretionary Penalties: For the following, the Executive Secretary 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 a penalty will be assessed mechanically with the Executive Secretary having no discretion on the matter. This means that there can be no ameliorative attempts, equitable remedies, or waiver of the rules by the Executive Secretary nor by the competitors.

<u>1. Memorial Rules.</u>	<u>Penalty</u>
<u>Violation</u>	
a. Tardiness in submitting any memorial (for memorials postmarked between March 10 and March 18 inclusive)	5 points
b. Extreme tardiness in submitting any memorial (for memorials postmarked between March 19 and March 23 inclusive).	1 point per day
c. Unacceptable tardiness in submitting any memorials (for memorials postmarked after March 24)	Assignment of minimum score of 60 points
d. Failure to mail memorials with postage stamps	1 point
e. Excessive memorial length	2 points per page over 25 pages
f. Form violations (see section V9c) (5)	2 points per category of violation
g. Revision after submission date	5 points

<u>2. Oral Argument Rules</u> <u>Violation</u>	<u>Penalty</u>
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.

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. Included in this section will be penalties that may be assessed by the Administrator for:

1. Persistent violations of citation form which result in the inability to find the material cited.
2. De-minimus violation as to revision of memorials.

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 the Argument at the Semi-Final Rounds. The same rules apply as in Article VII(A) above only that there will be many more memorial judges grading at the Semi-Finals. The average score will be determined for applicant and respondent memorials. If there is a 7 point differential between opposing teams then the higher scoring team will get all 3 memorial points. If there is less than a 7 point differential the higher score will get 2 memorial points, the lesser score 1 memorial point. Comparison of scores will be made only of memorials of side a team is arguing for that particular argument. For example, if Team I is applicant and Team II is respondent, the comparison of scores will be only of Team I's applicant memorial and Team II's respondent memorial.

C. 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 four 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 a 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 (600 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. The top 2 teams in the Round will then face each other in order to determine the winner of the Round.

D. 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.

E. Best Memorial Winner. The winner of Best Memorial in the Competition 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.

F. 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.

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 basic 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 efforts.

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 the 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. 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, best memorials, and best oralists in the Regional Round; the winner, best memorial and oralist awards in both Semi-Final divisions; and the winner of the Final Round

ANNEX B. [SAMPLE] INDEX OF AUTHORITIES
(For Memorial)

	Page
<u>TREATIES AND OTHER INTERNATIONAL AGREEMENTS</u>	
Treaty on Commerce and Navigation, Dec.3, 1938, United States - Iraq, art. III. para 2. 56 Stat. 1790. T.S. No. 960.	7
<u>CASES</u>	
Advisory Opinion on Certain Expenses of The United Nations, [1962] I.C.J. 151.	9
<u>TREATISES, DIGESTS, RESTATEMENTS</u>	
R. LILLICH, THE PROTECTION OF FOREIGN INVESTMENT: SIX PROCEDURAL STUDIES ch. V (1965).	15
<u>JOURNALS</u>	
Carey, <u>Self-Determination in the Post- Colonial Era: The Case of Quebec</u> , 1 ASILS Int'l L. J. 47 (1977).	21
<u>STATUTES</u>	
International Claims Settlement Act of 1949, as amended, 22 U.S.C. §1641. (1970).	4
Law of Jan 15, 1957 [1957] Bundesgesetzblatt [BGB] I 343 (W. Ger.).	8
NOTE: This form is only an example, and may be altered as teams see fit. Citation must, however, conform to A UNIFORM SYSTEM OF CITATION, Harvard (12th ed. 1976).	

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 scores shall be the total of the two individual oralist scores. Oralist scores shall be awarded as follows: Excellent (85-100); good (75-85); average (65-76); 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 issue | 6) Ingenuity |
| 2) Familiarity with international authorities | 7) Organization |
| 3) Response to questions | 8) Persuasiveness |
| 4) General knowledge of the substance and process of international law | 9) Ability to argue by analogy from related aspects of international law. |
| 5) Clarity | 10) Knowledge of the facts |
| | 11) Knowledge of legal principles directly applicable to the facts. |

Judges should carefully read the special memorandum to judges of the 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, 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

<u>Applicant:</u> Team No. _____	Score	
First Oralist (Name) _____	_____	
Second Oralist _____	_____	
TOTAL TEAM SCORE		_____

<u>Respondent:</u> 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

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. The 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. Knowledge of the facts and the legal principles directly applicable to the facts
2. Proper and articulate analysis of the issues involved
3. Use of authorities and extent of research
4. Logic and reasoning
5. Ingenuity (ability to argue by analogy from related aspects and international law)
6. Clarity and organization
7. Persuasiveness
8. Correctness of format and citations
9. Thoroughness
10. Grammar, style

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., form), 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.		
11.		
12.		

Signature of
Memorial Judge _____