

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

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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), the American Society of International Law (ASLI) 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, 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 (unless permission is granted by the Executive Secretary for two or more law schools to be hosts) 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 PROBLEMS

The Hypothetical fact problem upon which the Competition is based will be written each year by a scholar of international law, chosen by the Executive Secretary of the ASILS, and will concern itself with a subject of timely interest.

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, of 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 a showing of cause for relief by the respective school. All participating schools shall submit an entrance fee (\$140.00 for ASILS member schools, \$165.00 for non-member schools, \$30.00 a quarter for foreign schools), together with a notice of intent to participate, by October 31. An additional \$15.00 will be charged for applications mailed after midnight, October 31 and before the final deadline of November 30.

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 or a graduate level degree in political science. Team members will be chosen by any method approved by the responsible authority in the law school including intramural competition utilizing the Jessup Problem, but so as not to conflict with the provisions of Article VIII.

Any team member 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 may argue during any single argument. No single oralist shall argue longer than 25 minutes of the 45 minutes given to each team for each argument. Included in the 45 minutes given to each team is rebuttal or surrebuttal time if applicable. If the judges in their discretion extend total team time beyond 45 minutes (and they may not do so for more than 10 minutes), then and only then may an oralist argue for longer than 25 minutes).

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 last weekend in February of 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 Executive Secretary shall notify the Regional host and the participating schools not later than the first full week of December 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 the 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 shall use the assigned number on all memorials and when referring to other teams during the competition. The school name must not appear on the memorial, nor may it be used to identify a team or member in any way (as by name tag) 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. A team will never appear twice before a Judge.

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 unless advance permission is obtained from the arguing teams. Except - no team members will be allowed to attend arguments in which a prospective opponent team participates. No taping of arguments will be allowed.

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.

4. Interpretation of Rules. If there is any question about the interpretation of Rules during oral arguments, such questions must go to the Regional Administrator. The timekeepers have no power to interpret the Rules. Any detrimental reliance by a team on an interpretation by a timekeeper will not prevent a penalty from later being imposed if a Regional Administrator's interpretation differs from that of a timekeeper in a situation which raises the possibility of an imposition of a penalty.

D. Memorials.

1. Identification. No school name 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 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.

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 an 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 type 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 18 copies of its applicant memorial and 18 copies of its respondent memorial to the Regional Administrator for use by the judges. Each team must also mail one copy of both memorials to the Executive Secretary and one copy of the appropriate memorial to each opponent team 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 10.

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 an oral argument (such as black-board, 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 Regional Administrator 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 Administrator shall make a prompt decision as to whether a penalty is warranted. Each team shall be notified of penalties assessed by the Regional Administrator as a result of his or her own motion so as to allow the penalized team a chance to reply.

Complaints pertaining to memorials must be submitted in writing to both the Regional Administrator and the allegedly violating team (see timetable for exact dates for complaints) 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.

Nondiscretionary Penalties. For the following, the Administrator acting on his or her own motion or as a result of 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.

<u>1. MEMORIAL RULES.</u>	<u>PENALTY</u>
<u>Violation</u>	
a. Tardiness in submitting any memorial either to the Executive Secretary, Regional Administrator, or the opposing teams (for memorials postmarked between February 5 and February 8 inclusive)	5 points
b. Extreme tardiness in submitting any memorial (for memorials postmarked between February 9 and February 11 inclusive).	1 point per day
c. Unacceptable tardiness in submitting any memorial (for memorials post marked after February 11)	Elimination from Competition or a score of 60 if remaining in competition would not be prejudicial to the Competition.
d. Use of 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 violations (see section V(D) (5)	2 points per category of violation
h. Revision after submission date (See section V(D) (9)	5 points

<u>2. ORAL ARGUMENT RULES</u>	<u>PENALTY</u>
<u>Violation</u>	
a. Communication between counsel table and any person (other than judges) during the argument	3 points
b. Submission of any 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 round.

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. 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.

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, appeals relating to memorials must be made by March 3. Appeals relating to oral arguments and all non-discretionary penalty assessments must be made prior to the conclusions 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 round in Washington, D.C. 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 scores, 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

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 judge the memorials or 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 divided by the number of oral judges scoring that oralist.

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 total points 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 a general discussion of issues, suggestions as to research sources, and decision-making in intramural eliminations. 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. Outside assistance rendered by fellow students at a law school before or after the individual law school's selection process producing the representing team, is prohibited. 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.

The Administrator of the local Jessup program shall take steps to ensure that the memorials reflect the research of no more than 5 students. This can be done in a number of ways, such as (1) having intramural competitions based on a problem other than the 1980 Jessup problem and thereafter limiting research to the 5 selected students; (2) if the 1980 problem is used in the intramural selection process, to avoid oral arguments between students, and to have each student argue alone before the judging panel; (3) to prohibit the presence in the judging room of other potential participants and (4) in any event, to ensure that all potential participants are aware that general discussion and general research suggestions alone are permissible within the framework of the Competition. With the exception of (4) these particular steps are not mandatory, so long as effective steps are taken.

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 later than January, 1980, after notification of its intent to participate has been accepted by the Executive Secretary, shall forfeit its entrance fee. If notification comes before January 10, 1980, the Association will refund the application fee minus \$50. 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.

IX. 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.