



# Association of Student International Law Societies

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1983

PHILIP C. JESSUP

INTERNATIONAL LAW MOOT COURT COMPETITION

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OFFICIAL RULES FOR THE

NATIONAL DIVISION

**\*\*\*NOTICE TO ALL TEAMS\*\*\***

Please be aware of the following Official Rules Changes:

1. Imposition of a mandatory run-off round between the two highest ranking teams in each region to determine the Regional Champion in each region (Rule VBI); and
2. Imposition of total raw scores as a second priority rather than third priority tie-breaker for use in ranking teams (Rule VIIB).



## OFFICIAL RULES FOR THE NATIONAL DIVISION

### 1983 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 levels of argument: Regional, Semi-Final and Final. Domestic regionals are held in designated geographic areas of the United States; Semi-Final and Final Rounds are held at the site of the ASIL/ASILS Annual Meeting. A single law school hosts each Regional (unless permission is granted by the Executive Secretary for two or more law schools to be hosts) and appoints a Regional Administrator; if a student is so appointed, the host school also appoints a faculty adviser for that Regional.

#### II. FACT PROBLEM

The hypothetical fact problem upon which the Competition is based is written each year by a scholar of international law, or a panel of such scholars, chosen by the Executive Secretary of the ASILS, and concerns 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 are approved by the Executive Secretary. 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 (such as the non-existence of an international law society at the school). All participating U.S. schools shall submit a entrance fee (\$165 for ASILS member schools, \$215 for non-member schools), together with a notice of intent to participate, by October 29, 1982. An additional \$25 must accompany applications mailed after midnight October 29 and received by the final deadline of December 3, 1982.

#### 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. 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 institution. However, 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 another discipline. Team members may be chosen by any method approved by the responsible authority, including intramural competition utilizing the Jessup Problem, but so as not to conflict with the provisions of Article VIII.

The international law society at the participating school has the first option to select a team and provide local administration. If the international law society chooses not to exercise its option to administer the Jessup team (or if an international law society does not exist at the school), the moot court board or other authoritative body may take on administration at the participating school.

Any team member may act as an oralist during any round. However, to be eligible for any oralist award a competitor must have argued twice during the Regional or Semi-Final Competition. Only two oralists may argue during any single round. No single oralist shall argue longer than 25 minutes of the 45 minutes given to each team for each round. Included in the 45 minutes given to each team is rebuttal or surrebuttal time. Teams need not reserve time to rebut; if they do so, no more than 10 minutes may be reserved. If the judges in their discretion extend total team time beyond 45 minutes (and they may do so for no more than 10 minutes), then and only then may an oralist argue for longer than 25 minutes.

During each round, one other team member may sit at the table with the two 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 round. 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 round.

## V. REGIONAL COMPETITION

A. Time and Place of Argument: All U.S. Regionals shall be held during the dates indicated on the National Division Timetable or any supplement thereto. 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 in December of the Regional groupings. The Regional Administrator shall notify each participating school of the pairings and of the exact time and place of its Regionals in January. Initial pairing shall be final, except as modified by the Executive Secretary because of the addition or deletion of a team or teams. Each team in the Regional will be assigned

a number at random by the Executive Secretary, which must 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 any way (as by the 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 competition will be deemed to have forfeited its round. 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 that may seem appropriate to the Administrator, e.g., delaying the beginning of the round for a reasonable period of time, rescheduling arguments, and the like.

## B. Oral Arguments

1. The Regional Competition shall consist of four rounds of oral arguments, plus a championship run-off round between the two highest ranking teams. Team rank shall be determined pursuant to Rule VIII. In the initial four rounds, each team shall argue twice as applicant and twice as respondent. No team shall meet any other team more than once, except in the case of the run-off round.

Each round of oral arguments shall be judged by a panel of three judges. Permission of the Executive Secretary may be given in extraordinary circumstances to allow a panel of two judges to hear a round. In such cases special scoring will be used (see VIIA).

2. Scouting: No team member or person affiliated with that team may attend a round in which a prospective opponent team is participating. Any team member or affiliated person who wishes to attend any other round must obtain advance permission from the two arguing teams. This does not, however, prevent students who have no affiliation with a team from observing the rounds in which their law school's team participates. No taping of arguments will be allowed except with advance permission of the Regional Administrator and the two participating teams.

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 D). Each memorial judge shall submit his or her scores to the Regional Administrator prior to the first oral argument of the Regional Competition.

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 being imposed later 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. Such penalties may ultimately be appealed to the Executive Secretary as provided for in VI(D).

C. 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 its 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. The 25-page limitation shall include the Argument and any conclusion, annexes, appendices, and footnotes. The Table of Contents, Index of Authorities, Jurisdiction, Statement of Facts, Questions Presented, Summary of Argument, title page and back cover (if any) are excluded from the 25-page limitation. 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. Footnotes may not include substantive arguments except insofar as they are purely illustrative of arguments presented in the Argument proper. Footnotes are to be used primarily to cite authority.

4. The Argument Section of the memorial must be double-spaced. Footnotes and titles more than one line in length may be single-spaced. Quotes of 50 words or more may be single-spaced. All portions of the memorial other than the Argument section may be single-spaced. White 8½"x11" paper is to be used in the memorials.

5. 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.

Form: Memorials must be typewritten and reproduced by mimeograph, photocopying or offset. No part of the memorial including the cover, shall be otherwise printed or press-typed.

Any type style is permissible, except that no type smaller than standard elite (12 spaces to the inch) shall be used.

Memorials must be fastened by staples; no other type of fastening (such as ring binding or tape) is permitted. Two to three staples along the left side of the memorial is the preferred method of fastening.

Applicant and respondent memorials must be differentiated by different colored covers.

6. Citations and Footnotes: (See Annex B.) Citations shall comply with the rules in the most recent 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 either by postage stamps or metered stamps issued at a U.S. Post Office. If metered stamps are used, an official U.S. Post Office date stamp must appear on the mailing package in addition to the date imprinted by the meter. Memorials must be sent via first class certified mail. Metered stamps without the additional official date stamp will be penalized as per VI(A)1. Teams wishing notification of receipt of their memorials may, in addition, send memorials return receipt requested, at their option.

8. Submission of Memorials: Each team shall mail 20 copies of its applicant memorial and 20 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.

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. Retyping the argument section to correct footnote numbers, typographical errors, or change footnote format (e.g. -- put them at the end rather than in the body) is subject to the revision penalty. Revising a memorial and taking the subsequent penalty may not be used as a method of avoiding a greater penalty assessment for another infraction. The greater penalty in such a case will be the one assessed. (e.g., a team with a 10 point length penalty may not revise the memorial to conform to the length requirements and take the lesser 6 point revision penalty).

10. Statement of Facts: The Statement of Facts, if included in the memorial, shall be limited to the stipulated facts and necessary inferences. The facts should not include unsupported facts, distortions of stated facts, or legal conclusions.

D. Exhibits: The use of exhibits, other than documents or hand-outs, is permitted. If a team will be using exhibits, actual notice of such intended use shall be conveyed to the Regional Administrator and the opposing teams no later than 10 days prior to the beginning date of the regional competition. Prior to the

start of the regional, all exhibits shall be viewed by the Regional Administrator and any exhibits which are not fair and reasonable interpretations of the facts or clearly labelled as alternative theories will be excluded. 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 of what equipment will be required. Failure to comply may eliminate the possibility of having materials available. However, no written material shall be passed to the judges before, during or after the argument.

E. Oral Communication: No oral or written communication may take place between counsel table and an oralist while the oralist is presenting his or her argument. This does not, however, preclude an oralist from taking a treaty or similar document from the counsel table when the oralist has been questioned about such document.

No oral or written communication may take place between counsel table and any spectator or team member not at the counsel table during a Round.

F. 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; copies must be sent to the ASILS Executive Secretary and the team accused of a violation. The accused team shall be allowed to reply to the accusation. Replies must be sent in a timely fashion to the same parties as are complaints. Upon receipt of a 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 specifically to memorials must be post-marked by February 22, 1983, with copies sent to the allegedly violating team, the Regional Administrator and the Executive Secretary. If memorials are received too late to mail complaints, they may be telephoned to the Regional Administrator, with the written complaint hand delivered to the Regional Administrator before the first Regional Round. Complaints pertaining specifically to oral arguments must be

submitted prior to the completion of the Regional Competition or Semi-Final Competition, whichever is appropriate. Penalty points will be assessed against the score given by each of the memorial judges.

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 except as per (VI)C.

1. MEMORIAL RULES

<u>Violation</u>	<u>Penalty</u>
a. Tardiness in submitting any memorial either to the Executive Secretary, Regional Administrator, or the opposing teams (for memorials postmarked February 15.)	6 points
b. Extreme tardiness in submitting any memorial (for memorials postmarked <u>February 16,17,18.</u>	2 additional points per day.
c. Unacceptable tardiness in submitting any memorial (for memorials postmarked after <u>February 19.</u>	Elimination from Competition, or a score of 60 if remaining in competition would not be prejudicial to the Competition.
d. Use of : metered stamps without additional official U.S. Post Office date stamps	6 points
e. Failure to send memorials via certified mail	2 points
f. Excessive memorial length	2 points per page over 25 pages
g. Form violation (see Section V(C) (5)	2 points per category of violation.
h. Revision after submission date (See Section V(C) (9)	6 points

2. ORAL ARGUMENT RULES

<u>Violation</u>	<u>Penalty</u>
a. Communication between counsel table and any person (other than judges) during the argument	4 points
b. Submission of any additional written materials to oral judges, whether prior to, during, or after argument	4 points
c. Scouting	Loss of the individual round. (Scouted team to receive all 6 oral points for the round but only those memorial points it would have received as a result of the judges' scoring.)

B. Discretionary Penalties. The Administrator may assess 2,4, or 6 point penalties (oral or memorial, depending upon time of infraction) for each action by a team which substantially prejudices the conduct of the Competition. Penalties of 2,4, or 6 points may also be assessed by the Administrator for:

1. Persistent violations of citation form.
2. De-minimus violation as to revision of memorials.
3. Argumentative footnotes used to bypass length restrictions.
4. A statement of facts which materially distorts the applicable fact pattern (as described in V(C)(10)).

(Penalties are in even-number amounts in order to preserve the even/odd scoring for applicant/respondent memorials. (See Annex D.)

C. De-Minimus Rule. When the impact of an alleged violation is so insignificant as to be de-minimus, the Executive Secretary may waive any assessed penalty.

When circumstances arise which are not the fault of the participants and which preclude any reasonable means of avoiding a violation of the rules, the Executive Secretary shall evaluate the facts and may determine that a penalty shall not be assessed. (This is to account for things like blizzards which close down a school just prior to the due date for memorials, etc.) However, this power is not to be used to bypass the stringent guidelines established by these official rules.

D. 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 the date in the National Division Timetable. Appeals relating to oral arguments and all non-discretionary penalty assessments must be made prior to the conclusion of the Competitive 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 semifinal round in Washington, D.C. shall be registered with the Executive Secretary, whose decision shall be final.

With regard to non-discretionary 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 individual Round, penalties must be accounted for. A penalty assessed against a memorial is subtracted from each judge's score before determining which team is awarded the memorial points (for example, if the applicant memorial of Team X is assessed 2 points, each of the applicant scores given by the memorial judge to Team X will be reduced by 2 before comparing it to opponent Team Y's memorial). A penalty assessed against oral argument will be subtracted from the total speaker's points for the Round given by each judge before determining the winner selected by each judge. A score sheet and scoring instructions shall be given to each memorial and oral judge.

A. Winner of a Round. There are 9 possible judges' points for each Round. Points are awarded as follows:

### Memorial Points - 3 Total

One point is given for each time that a team's memorial is scored higher than its opponent's memorial by a memorial judge.

### Oral Points - 6 Total

Two points are given for each oral judge that scores a team higher than its opponent in oral argument.

In extraordinary circumstances and with the special permission of the Executive Secretary two-member judging panels may be used for memorials or oral arguments. For memorials, a hypothetical third judge's score will be created by awarding the memorial the average of the other two scores (e.g., Judge A gives the respondent memorial a score of 81 and Judge B gives it a score of 85. The hypothetical score for Judge C is 83).

Where a two-judge panel is used for oral arguments a hypothetical third score is not created. Three points are given each time one of the judges scores a team higher than its opponents.

B. Winner of a Competition. Teams shall be ranked highest to lowest at the close of the four rounds of oral arguments. The two highest ranking teams in the Regional Competition will participate in a mandatory run-off round, the winning team of which will be the Regional Champion, and will advance to semi-final competition in Washington.

Ranking: Teams will be ranked according to:

1. win/loss record. A 4-0 team (4 wins, 0 losses) is automatically ranked higher than a 3-1 team (3 wins, 1 loss) which is ranked higher than a 2-2 team (2 wins, 2 losses), etc.
2. total raw score. If two or more teams are tied in win/loss record (e.g. two or more teams are 4-0 or otherwise have the same win/loss record) the team with the highest total raw score will be ranked highest. Total raw score includes total scores for both the memorials (600 possible points) and oral arguments (2400 possible points). HOWEVER, in the case that two teams which are tied with the same win/loss record had met each other in one of the four regular rounds, the winner of that round shall be ranked higher irrespective of the raw score total.
3. judges points . If two or more teams remain tied after comparing win/loss record and total raw scores, the team with the greatest number of judges points shall be ranked highest. (There are 36 possible judges points for each regional competition: 9 points per Round times 4 Rounds.)
4. If teams are still tied after comparison of win/loss record, total raw scores, and judges points, a determination of rank of the teams in question will be made by the Regional Administrator in consultation with the Executive Secretary.

C. Semi-Final Rounds - Washington, D.C. -- April 11-14, 1983

The two teams with the highest rank in the semi-final rounds will advance to a Final Round. The side which each team shall argue will be determined either by agreement of the 2 teams in question or by a coin flip by the Executive Secretary with a member of each team present. Appropriate memorials will be exchanged at the time of the flip. The winner of this Final Round will advance to the Jessup Cup Round.

D. Jessup Cup Round The Jessup Cup Round shall be an argument between the winners of the National and International Divisions of the Semi-Final Competition. There shall be a panel of three judges, each judge having one vote. After considering both the memorials and oral arguments, each judge shall rank the teams one or two. The team receiving the lowest number when the rankings of the three judges are totaled will be the winner of the Jessup Competition.

E. Best Memorial Winner. The winner of the Best Memorial Award in the Regional Competition shall be based on the cumulative total of 100-point based scores of the three memorial judges. The highest possible score is 600 (300 for applicant plus 300 for respondent). The team with the greatest number of points is the winner. However,

penalty points are deducted from each appropriate memorial score before computing a team's total point (e.g., if Team A's applicant memorial only is assessed a 2-point penalty, each judge's score for the applicant is reduced by 2 before computing the final total).

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 scores received and divided by the number of oral judges scoring that oralist. An oralist must argue at least 2 Rounds to be considered for an Oralist Award. If an oralist argues more than 2 rounds, he or she shall indicate, prior to the start of the rounds, which two arguments should be used for the Best Oralist calculations. In no event shall the score from more than two rounds be used to calculate Best Oralist results.

G. Notification of Scores. Upon completion of a Regional and prior to the Semi-Final Competition, the Regional Administrator shall, as soon as practicable, 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 questions 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, except that a student may judge practice rounds using the same parameters as described for faculty members who serve as practice Round judges (e.g., no critique on substantive issues, questions limited to previously raised issues, etc). 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 is to develop an unassisted appreciation and understanding of international law through individual and team efforts.

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 having intramural competitions based on a problem other than the current Jessup problem and thereafter limiting research to the 5 selected students, and ensuring that all potential participants are aware that general discussion and general research suggestions alone are permissible within the framework of the Competition. No particular steps are 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 the Competition, provided that these measures do not conflict with any of the Official Rules.

#### X. WITHDRAWAL FROM THE COMPETITION

Any team withdrawing later than January 7, 1983, after notification of its intent to participate has been accepted by the Executive Secretary, shall forfeit its entrance fee. If notification comes before January 7, 1983, the Association will refund the application fee minus \$75. Failure to notify the Executive Secretary of intended withdrawal by January 7, 1983, 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 Competition, which shall be held concurrently with the Semi-Final Rounds of the International Division of the Competition. The winner of the National Division Competition and the winner of the International Division Competition shall meet and participate in the Jessup Cup 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 Competition. These rules will be utilized in the Semi-Final and Final Rounds, unless the Executive Secretary decides to the contrary.

#### XII. ANNUAL REPORT

After the Jessup Cup 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.

ANNEX A

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NOTE: This form is only an example, and may be altered as  
teams see fit. Citations should, however, conform to the  
latest edition of A Uniform System of Citation to the greatest  
degree practicable.

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 is 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. They shall then individually mark their scoring summaries without comparisons with the scoring summaries of their fellow judges.

Team scores shall be the total of the two individual oralist scores. The team with the greater total wins that Judge's ballot.

Please evaluate each speaker independently rather than in comparison to the other speakers in the round (or other rounds you may have judged). Each judge should start at an average score (70-79) and move up or down from there. A general guidelines is: Excellent (90-100); good (80-89); average (70-79); poor (60-69).

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

- |  |  |
|--|--|
| 1) Correct and articulate analysis of the issues                       | 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 be familiar with the Problem, the law, and the teams' memorials before judging. The judges' Bench Memo outlines most of the issues in the case and should be read carefully. However, the Bench Memo is not the only solution to the problem and should not be regarded as such.

Since a team has no choice as to which side of the dispute it must argue in a given Round, Scoring should not reflect the merits of the case but only the advocacy skills and legal analysis of the participants.

Judges should feel free to question oralists at any point in the argument, but should also bear in mind the importance of affording oralists the opportunity to "make their case."

## MEMORIAL SCORING INSTRUCTIONS

## 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 6 and 100. Excellent is 90-100; good is 80-89; average is 70-79; and poor is 60-69. To avoid a tie between memorial scores, all scores for applicants shall be even numbered, and all scores for respondent 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 of international law)
6. Clarity and organization
7. Persuasiveness
8. Correctness of format and citations
9. Thoroughness
10. Grammar, style

Judges should be familiar with the Problem before reading the memorials. The judges' Bench Memo outlines most of the issues in the case and should be read carefully. However, the Bench Memo does not represent an airtight resolution of the case and a sound presentation of creative ideas should be viewed favorably.

The substantive merits of the case shall not be considered during 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.