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CONGRESS OF
INTERNATIONAL LAW SOCIETIES
PHILIP C. JESSUP
INTERNATIONAL LAW
MOOT COURT COMPETITION
CONFERENCE OF
INTERNATIONAL LAW JOURNALS

1989 PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

OFFICIAL RULES

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SUPPLEMENT (IF APPLICABLE)

See National Rules Supplement to the Official Rules as promulgated by National Administrator

OFFICIAL RULES

1989 PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

I. ORGANIZATION

A. GENERAL

The Philip C. Jessup International Law Moot Court Competition is sponsored annually by the International Law Students Association (ILSA) and the American Society of International Law (ASIL) for students enrolled in ILSA member schools and other invited law schools and international law-related graduate programs.

The Competition, administered by the Executive Director of the ILSA, consists of two levels of oral pleadings: Regionals and International Semifinals, which include the International Run-Off Rounds and World Championship Jessup Cup Round. Regionals are held in each country where more than one team wishes to participate in the International Semifinals Competition.

B. INTERNATIONAL SEMIFINALS

The International Semifinals, including the International Run-Off Rounds and World Championship Jessup Cup Round, shall be held at the site of the ASIL/ILSA Annual Meeting. Each country is allowed to enter one team in the International Semifinals for every group of approximately ten (10) teams participating in the Jessup Competition in their country, with the exact number and how they are to be chosen (through separate regionals or one large regional) to be determined by the Executive Director in conformity with these Rules and in consultation with the National Administrator. The winning teams from those regions shall advance directly into the International Semifinals jointly representing their respective countries. In extenuating circumstances, the Executive Director may allow additional teams to participate in the International Semifinals if he or she finds it is in the interest of the overall Competition.

C. SPECIAL JURISDICTIONS

At the discretion of the Executive Director, special jurisdictions may enter teams in the Competition independent of their protecting nations. For this purpose, special jurisdictions include colonies, trust territories, and similar distinct geographic regions without complete national sovereignty. For the purposes of these Rules, the term "country" includes special jurisdictions and the term "National Administrator" includes special jurisdiction administrators.

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 Director of the ILSA, and concerns a subject of timely interest.

III. ELIGIBILITY AND REGISTRATION PROCEDURES

A. School Eligibility

Eligible to participate in the Competition are those teams from ILSA member law schools and, with the permission of the Executive Director, ILSA member international law-related graduate programs whose submission of an official international registration form has been approved by the Executive Director. Each eligible school may enter only one team in the competition. However, the Executive Director may allow two distinct faculties of the same university to each field a team if such teams prove to be absolutely independent of each other and their mutual participation does not violate the spirit of these Rules.

Non-ILSA member schools may become eligible to participate in the Competition when their registration forms are approved by the Executive Director and the appropriate fee is paid. Beginning with the 1990 Jessup Competition, a school shall not be eligible to compete in the Competition if it has already participated for two years without having applied for membership in the International Law Students Association. This requirement may be waived by the Executive Director upon showing of cause for relief by the respective school.

B. Team Member Eligibility

Eligible to participate in the International Semifinals are those teams selected in each country pursuant to Rule I(B). All team members shall be studying for a law degree equivalent to the United States' Juris Doctor degree in order to qualify for the Competition. A team member must be a full or part-time student at only one institution during the academic year of the Competition. However, the Executive Director, upon written request, may permit the participation of students studying for a graduate-level degree in another discipline, studying on a special joint program between schools, or studying on a special one semester program at a school fielding a Jessup team if, and only if, the spirit of these rules are not violated. Only students who have not completed studies, exams, or apprenticeships sufficient to enable them to practice law in any jurisdiction will be allowed to participate. With the approval of the Executive Director, National Administrators may set nationality requirements for student participating in their respective countries.

C. 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. Outside assistance which would interfere with the final work product being the exclusive work of the team members is prohibited.

D. Team Selection

A team shall be composed of from two to five student members from a single school. Team members may be chosen for the school team by any method approved by their responsible authority within the school, including intramural competition utilizing the Jessup Problem, but so as not to conflict with the provisions of Article III(C) of these Official Rules or any rules within their respective National Rules Supplement (if applicable).

For purposes of the Competition, notice to one team member or their registered coach shall constitute notice to all team members.

E. International Registration

All schools participating in the Competition from outside of the United States must submit to the ILSA office in Washington, D.C., an official international registration form with the appropriate fee as announced by the Executive Director. A school located within a non-OECD member country may request a waiver of the registration fee for extenuating circumstances.

All United States schools must submit their special U.S. international registration forms directly to the Executive Director, who serves as their National Administrator, with the appropriate fee, pursuant to the U.S. National Rules Supplement.

As soon as each international registration form has been received, together with the appropriate fee, and its submission approved by the Executive Director, participants will be officially entered. Only registration forms with required faculty advisor signatures will be considered valid. All teams must register their team members on their registration form or notify the National Administrator or Executive Director of their team members within the time specified on the registration form.

IV. TEAM IDENTIFICATION

Each team in the Competition will be assigned a number at random by their National Administrator for use in a regional competition (if applicable). Each team advancing to the International Semifinals will be assigned a number at random by the Executive Director. This number, which will be placed on the memorials by the Jessup Office, will be the team's official number for use throughout International Semifinal 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.

V. REGIONAL COMPETITIONS

If more than one team in any one country registers for the competition, one or more regional competitions utilizing the 1989 Jessup Problem shall be held pursuant to these rules to determine which team(s) is (are) to advance to the International Semifinals to represent that country. In such a case, the Executive Director shall designate a National Administrator to administer the Competition in that country pursuant to the guidelines established by these Official Rules. If only two teams are competing in a regional, both teams may agree in writing (with a copy sent to both the National Administrator and the Executive Director) that "sudden death" elimination

rounds be held in which each team argues only once as applicant and once as respondent to determine the winning team. The best oralist award in such a regional may be awarded on the basis of one round's oral pleading score average.

In no case shall a National Administrator or one acting on his or her behalf as a regional administrator under Rule I(B) act as a judge in actual or exhibition rounds of the competition or act as a coach to or otherwise be affiliated with, a team participating in the Competition. In extenuating circumstances, the Executive Director, in his or her discretion, may waive this rule if it is in the interest of the overall Competition.

VI. INTERNATIONAL SEMIFINAL COMPETITION

The International Semifinal Competition will be held in conjunction with the Annual Meeting of the American Society of International Law in Chicago, Illinois, USA, 3-8 April 1989. Orientation will begin on 2 April 1989. Memorials of opposing teams may be picked up at ILSA Headquarters at the site of the International Semifinals beginning 1 April 1989.

Initial pairings shall be final, except as modified by the Executive Director because of deletion or addition of a team or teams.

VII. ORAL PLEADINGS

A. Procedure

1. General

Any team member may act as an oralist during any round. However, to be eligible for any oralist award, a participant must have pleaded twice during the Regional or International Semifinal Competition, except in the case of "sudden death" elimination rounds in a two-team regional. If an oralist pleads more than two rounds, he or she must designate before the beginning of the first round of the competition which two rounds are to be counted for purposes of Best Oralist Competition (see Rule XII(F)). Only two oralists may plead during any single round. No single oralist shall plead longer than 25 minutes of the 45 minutes given to each team for each round, except as per Rule VII(H). 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 plead for longer than 25 minutes.

This rule may be waived only in extreme extenuating circumstances, at the discretion of the Executive Director. Any special scoring procedures that may arise from such a situation are also to be determined by the Executive Director.

2. Ex Parte Procedure

In the case of extreme circumstances where one of two teams fails to arrive for a scheduled round, the Executive Director, or regional administrator, after waiting a reasonable amount of time, may allow the round to proceed as an ex parte procedure, whereby the team present proceeds with

its oral pleading and is scored normally by the judges present. In such a case, the team failing to arrive for the scheduled round shall forfeit all six (6) of the round's oral pleading judicial round points. The Executive Director, or regional administrator, may arrange for an additional ex parte procedure for the missing team later during the competition, if time and administrative concerns permit. The scores from the missing team's ex parte procedure will not effect the scoring of the original round and shall only be used for purposes of individual oral pleading scores.

3. Regional Competitions

Regional Competitions shall consist of four rounds of oral pleadings, plus a championship run-off round between the two highest ranking teams. At the discretion of the National Administrator, in regionals of eight or more teams, semifinal run-off rounds may be held between the four highest ranking teams to determine which teams will advance to the Championship Run-off Round. In this case, the first- and fourth-ranked teams and the second- and third-ranked teams will be paired against each other, with the higher-ranking teams having the pleading option (see Rule XII(D)(1)). Team rank shall be determined pursuant to Rule X(C). 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 semifinal and run-off rounds or where both teams in a two-team regional do not agree to "sudden death" elimination rounds. In extreme circumstances, the Executive Director, in consultation with a National Administrator, may waive this regional structure rule if it is in the interest of the overall Competition.

4. International Semifinals

The International Semifinals Competition shall consist of four rounds of oral pleadings, with the eight highest-ranked teams running-off in International Run-Off Rounds to determine the two teams who will advance to the World Championship Jessup Cup Round. However, no more than two teams from the same country can qualify as among the eight highest-ranked teams for International Run-Off Round purposes. If two teams from the same country qualify as among the eight highest-ranked teams, they will be paired off in the first International Run-Off Round to determine the National Champion of their country, who will earn the right to continue on as their country's representative in the remaining International Run-Off Rounds, and if applicable, the World Championship Jessup Cup Round. If more than two teams from the same country are listed in the eight highest-ranking positions after the initial four rounds of oral pleadings, only the two highest ranked of those teams will qualify for the official "top eight teams" for International Run-Off Round purposes. Pairings of teams in the International Run-Off Rounds will follow the pattern of the highest-ranked against the lowest-ranked, the second-highest-ranked against the second-lowest-ranked, etc., subject to a national championship pair-off in the first International Run-Off Round. Pleading options for all run-off rounds including the World Championship Jessup Cup Round, will be exercised pursuant to Rule XII(D)(1).

B. Of Counsel

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

individual during the round.

C. Scope of Pleadings

The scope of a participant's oral pleadings is not limited to the scope of his or her written pleadings (submitted memorial). The scope of applicant's rebuttal is limited to the scope of respondent's pleadings proper, and the scope of respondent's surrebuttal is limited to the scope of applicant's rebuttal. Oral pleadings judges will penalize participants for failure to keep within these limitations.

D. Scouting

1. General

No team member or persons directly affiliated with that team may attend a round in which a prospective opponent team is participating.

2. Initial Four Oral Pleading Rounds

Any team member or directly affiliated person who wishes to attend any other round must obtain advance permission from the two arguing teams and either 1) The National Administrator (in the case of regional competitions) or 2) The Executive Director (in the case of International Semifinals Competition). This does not, however, prevent students who have no direct affiliation with a team from observing the rounds in which their school's team participates, nor does it prevent any other non-directly-affiliated persons, including friends and relatives, from observing rounds in which their friend or relative is participating.

3. Run-Off and Championship Rounds

All run-off and championship rounds will be open to the public, subject to the above Rule VII(D)(1).

E. Audio and Video Taping

No audio or video taping of oral pleadings will be allowed, except in the World Championship Jessup Cup Round, without the advance permission of the two participating teams and either 1) The National Administrator (in the case of regional competitions) or 2) The Executive Director (in the case of the International Semifinals Competition). The International Law Students Association reserves all rights to the taping of the World Championship Jessup Cup Round, and all World Championship Jessup Cup Round teams will be deemed to have waived their consent to such taping.

F. Exhibits

The use of exhibits, other than documents or handouts, is permitted. If a team will be using exhibits in the International Semifinals, actual notice of such intended use shall be conveyed to the Executive Director and the opposing teams no later than two days prior to the beginning date of the International Semifinals Competition. Prior to the start of the International Semifinals, all exhibits shall be viewed by the Executive Director, 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 pleading (such as black-board, holder for charts, pointers, lights, etc) shall so inform the Executive Director no later than two days prior to the beginning of the International Semifinals 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 oral pleadings. National Administrators may formulate special national rules concerning use of exhibits within their own regional competitions as long as those rules are in conformity with the spirit of these Official Rules.

G. Oral Communication

No oral or written communication may take place between counsel table and an oralist while the oralist is presenting his or her oral pleadings. 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.

H. Interpreters

1. International Semifinals

Teams wishing to present their oral pleadings in the International Semifinals in a language other than English may arrange for interpreters to translate their oral pleadings during the rounds. Expenses incurred in hiring interpreters are to be borne by the team utilizing the interpreter's services. A team wishing to use interpreters shall so inform the Executive Director no later than two days prior to the oral pleading during which the interpreter will be used. Such teams may request permission from the Executive Director to extend total team time beyond the 45 minutes normally allotted for oral pleadings. If interpreters are used by a team they must be used for both the oral pleadings given by team members and their responses to questions from the judging panel.

A team member may serve as interpreter for his teammates if:

- a. He does not act as an oralist in the same round in which he is an interpreter; and
- b. He does not sit at the counsel table during a round in which he is an interpreter; and
- c. He does not communicate with his team members in any way during the round except to translate their oral pleadings and questions and responses to questions to and from the judging panel.

2. Regional Competitions

National Administrators may follow this basic format and formulate special national rules concerning interpreters for use in their regional competitions, making appropriate modifications where necessary in light of local conditions.

I. Written Communication

No written materials may be submitted to judges other than team memorials via competition administrators. No materials may be handed to judges during oral pleadings.

J. Faculty Advisors as Judges

No faculty advisors, team coaches, or other persons directly affiliated

with a team participating in the Competition may act as a judge in the Competition except in a round in which their own school is not participating and neither of the two teams in the round is scheduled to oppose their school in the capacity (applicant or respondent) in which they are pleading in that round.

VIII. INTERPRETATION OF RULES

If any question arises during the general international administration of the competition or during the International Semifinals of the Competition concerning interpretation of the Rules, such questions must go to the Executive Director. If any question arises concerning interpretation of these Rules during regional competitions, such questions must go to the National Administrator. Bailiffs (timekeepers), administrative assistants and judges have no power to interpret the Rules; they may only be used as witnesses to circumstances giving rise to a requested interpretation of these Rules. Any detrimental reliance by a team on an interpretation made by a bailiff, administrative assistant or judge will not prevent a penalty from being imposed if the Executive Director's or National Administrator's interpretation differs from that of the bailiff, administrative assistant or judge in a situation which raises the possibility of an imposition of a penalty. All decisions of the Executive Director and the National Administrator (during regional competition) concerning questions of rules interpretation are final and dispositive.

The Executive Director, in interpreting the Official Rules, may promulgate 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. The National Administrators, in interpreting the Official Rules for purposes of regional competition, may also, with the Executive Director's approval, promulgate such other measures as may be deemed advisable for the orderly conduct of the regional competition, provided that these measures do not conflict with any of the Official Rules.

IX. MEMORIALS

A. Required Memorials

Each team in the Competition shall prepare an applicant's memorial and a respondent's memorial. Memorials must be prepared in English by the team(s) representing their country in the International Semifinals Competition and by teams submitting their memorials to Hardy C. Dillard Award Competition.

B. Length

The body of the memorial shall be no more than 25 pages in length. The 25-page limitation shall include the pleadings and any conclusion, signature page, annexes, appendices, and footnotes. The Table of Contents, Index of Authorities, Jurisdiction, Statement of Facts, Questions Presented, Summary of Pleadings, title page and back cover are excluded from the 25-page limitation. No issue or pleading not discussed within the body of the memorial shall be included in any other section of the memorial.

C. Spacing

The pleadings section of the memorial must be double-spaced. Individual 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 pleadings section may be single-spaced. Each page shall have margins at least 2 cm. on all sides.

D. Form

Memorials must be typewritten and reproduced by mimeograph, photocopying, letter-quality computer print-out, or offset. No part of the memorial, including the cover, shall be otherwise printed or press-typed. Memorials must be fastened by two to three staples along the left side of the memorial. No other type of fastening (such as ring binding or tape) is permitted.

Applicant and respondent memorials must be differentiated by different non-white colored covers. White 21 x 29 3/4 cm. or 8 1/2 x 11 inch paper is to be used in the memorials.

E. Type

Any type style is permissible, except that no type smaller than standard elite (12 spaces to the inch or 2.6 cm.) shall be used. For computer letter-quality print-outs, no type averaging more than 12 characters per inch shall be used. This rule applies to all material included within the 25-page limit delineated in Official Rule IX(B).

F. Citations and Footnotes

Footnotes may be placed either at the bottom of the page, within the body of the pleadings, or at the end of the memorial. Footnotes may not include substantive pleadings except insofar as they are purely illustrative of pleadings presented in the Pleadings proper. Footnotes are to be used primarily to cite authority.

Memorial judges will penalize participants for failure to keep within these limitations.

G. Submission of Memorials

Each team advancing to the International Semifinals shall mail 25 copies of its applicant memorial and 25 copies of its respondent memorial to the Executive Director for use by the judges and opposing teams. Also, each team winning a best memorial award in a regional competition shall mail 10 copies of its applicant memorial and 10 copies of its respondent memorial to the Executive Director for use by the judges. Deadline for submission of memorials is indicated in the International Timetable (see Appendix E). Mailing must be done by AIR MAIL.

H. 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 in a non-substantive part of the memorial (substantive part of the memorial in the pleadings 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 Executive Director in assessing the facts. The act of word processing or producing a computer print-out is not considered part of a collating process for the purposes of these Rules. Retyping the pleadings 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 6 point length penalty may not revise the memorial to conform to the length requirements and take a lesser 5 point revision penalty).

I. Statement of Facts

Each memorial shall include a full Statement of Facts, and not a mere stipulation to the Facts. The Statement of Facts shall be limited to the stipulated facts and necessary inferences. The facts should not include unsupported fact, distortions of stated facts, or legal conclusions.

J. Summary of Pleadings

Each memorial shall include a Summary of Pleadings. The Summary of Pleadings shall consist of a substantive summary of the pleadings presented in the memorial, rather than simply a repetition of pleading headings.

X. CLARIFICATIONS TO THE PROBLEM

Participants may submit written requests for clarifications on points that are manifestly unclear in the Problem and that must be clarified in order to design a proper set of arguments, or on points of typographical error. Requests for clarifications must be received by the date indicated on the International Timetable (See Appendix E). Receipt of requests for clarifications will not be acknowledged, and requests for clarifications will be answered selectively, at the discretion of the Executive Director and the authors of the Jessup Problem. Note that submission of ill-conceived requests for clarifications to the Problem, illustrating either a lack of understanding of the legal issues presented by the Problem, or of the clearly stated conditions under which the Competition is conducted, may subject a team to a discretionary penalty as provided in Rule XI(C)(2)(c).

XI. PENALTIES

A. Procedure

The following is an exclusive list of penalties which may be imposed on a team in the International Semifinals. It is extremely important that each team has a thorough understanding of the contents of this section. The issue of penalties arises when the Executive Director, 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. The team initiating a complaint must give timely notice to both the Executive Director and the accused team. The accused team shall be allowed to reply to the accusation. Replies must be sent in a timely fashion to both the Executive Director and the party initiating the complaint. Upon receipt of a complaint and reply, the Executive Director shall make a prompt decision as to whether a penalty is warranted. Each team shall be notified of penalties assessed by the Executive Director as a result of his or her own motion so as to allow the penalized team a chance to reply. Complaints pertaining specifically to oral pleadings must be submitted to the Executive Director within one hour of the completion of the round in which the alleged violation occurred.

Memorial penalty points will be assessed against the memorial score given by each of the memorial judges; oral pleading penalty points will be assessed against the total oral pleading score given to the penalized team by each of

the oral pleading judges in the particular round in question, with the penalty being assessed against the offending team member or apportioned by the Executive Director among both team members if both participated in the offense (See Rule XII(A)). The power of the Executive Director to assess penalties is divided into two categories: nondiscretionary and discretionary.

B. Nondiscretionary Penalties

For the following, the Executive Director, 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 Executive Director having no discretion in the matter. This means that there can be no ameliorative attempt, equitable remedies, or waiver of the rules by the Executive Director nor by the competitors except as per Rule XI(D).

1. Memorials

<u>Violation</u>	<u>Penalty</u>
a. Tardiness in submitting memorials to the Executive Director (for memorials postmarked 2 March 1989)	5 points
b. Extreme tardiness in submitting any memorials (for memorials postmarked 3-27 March 1989)	1 additional point per day
c. Unacceptable tardiness in submitting any memorial (for memorials postmarked after 27 March 1989)	Elimination from Competition, or a score of 25 if remaining in competition would not be prejudicial to the Competition
d. Excessive memorial length	2 points per page over 25 pages
e. Failure to include a Statement of Facts or a Summary of Pleadings	2 points
f. Failure to differentiate applicant and respondent memorial covers by different non-white colors	1 point
g. Displaying names of team members on front cover of memorial	1 point

- h. Identification of school name or country on memorial 5 points

2. Oral Pleadings

<u>Violation</u>	<u>Penalty</u>
a. Communication between counsel table and any person (other than judges) during the oral pleadings	3 points
b. Submission of any additional written materials to oral judges, whether prior to, during, or after oral pleadings	3 points
c. Scouting	Loss of the individual round involving scouted team. (Scouted team to receive all 6 oral judges points for the round but only those memorial points it would have received as a result of judges' scoring.)
d. Identification of team by school or country name	5 points

C. Discretionary Penalties

1. General Violations

The Executive Director may assess 1,2,3,4, or 5 point penalties for violations of these Official Rules not specifically listed under non-discretionary penalties, including, but not limited to, violations as to revisions and form of memorials.

2. Unsportsmanlike Behavior

The Executive Director may impose 1,2,3,4 or 5 point penalties against a team for behavior which substantially prejudices the conduct of the competition, including:

- a. Engaging in poor sportsmanship.
- b. Submitting petty and verbose complaints against opponent teams.
- c. Submitting substantively ill-conceived requests for clarifications to the Problem, illustrating either a lack of understanding of the legal issues presented by the problem or of the clearly stated conditions under which the competition is conducted.
- d. Identification of team by means other than use of school or country name.
- e. Note-taking by a representative of a team of another team's

oral pleadings outside of rounds in which the team itself is participating.

- f. Excessive unnecessary discussion with oral pleading judges before their submission of scores at end of round.

D. De minimus Rule

When the impact of an alleged violation is so insignificant as to be de minimus, the Executive Director 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 Director shall evaluate the facts and may determine that a penalty shall not be assessed. However, this power is not to be used to bypass the stringent guidelines established by these Official Rules. This rule will not be applied to non-discretionary penalties except under extreme circumstances.

E. Penalties in Regional Competition

National Administrators may assess penalties in regional competitions based upon these Official Rules as modified by National Supplemental Rules approved by the Executive Director. National Supplemental Rules should, without violating the spirit of these Rules, take into account the unique conditions within each country. Penalties assessed in Regional Competition will not be carried on into International Semifinals Competition.

XII. SCORING

A. General

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). However, the minimum score to be received on a memorial after penalties is 25. A penalty assessed against oral pleadings will be subtracted from the total speakers' points for the round given by each judge before determining the pleading round winner selected by each judge. A team penalty in oral pleadings will be assessed against the offending team member or apportioned by the Executive Director among both team members if both participated in the offense. The minimum score to be received by an oralist after penalties is also 25. A score sheet and scoring instructions shall be given to each memorial and oral pleadings judge. (Participants are referred to Annex A, Judges' Oral Pleading Scoring Instructions, and Annex B, Judges' Memorial Scoring Instructions).

B. Winner of a Round

The winner of a round is determined by total judges' points received for that 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. For purposes of matching scores, both teams' highest scores will be matched, then their second-highest scores, and,

finally, their lowest scores.

Oral Points - 6 Total

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

The team receiving the greater number of judges' points in a round is the winner of that round. In the case of a tie (4 1/2 judges' points apiece), the team receiving the highest raw point total for that round is the winner of that round.

In extraordinary circumstances and with the special permission of the Executive Director, or National Administrator (in Regional Competition), two-member judging panels may be used for memorials or oral pleadings.

Where a two-judge panel is used for memorials, a hypothetical third judge's score will be created by awarding the memorial the average of the other two scores.

Where a two-judge panel is used for oral pleadings, a hypothetical "averaged" third score is created only for the purposes of raw point total, not for purposes of judges' points. Instead, three points are given each time one of the two judges scores a team higher than its opponent.

C. Winner of a Competition

1. Regional Competition

Teams shall be ranked highest to lowest at the close of the initial four rounds of oral pleadings. Run-off rounds are held to determine the Regional Champion. (See Rule VII(A)(2)).

2. International Semifinals Competition

Teams shall be ranked highest to lowest at the close of the initial four rounds of oral pleadings. The eight highest ranking teams (limit two per country) of the initial four rounds of oral pleadings will participate in the International Run-Off Rounds, the winning two teams of which will advance to the World Championship Jessup Cup Round. (see Rule VII(A)(3)).

3. Ranking Procedure

Teams will be ranked according to the following order:

a. 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 2-2 team (2 wins, 2 losses), etc.

b. 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 raw score will be ranked highest. Total raw score includes total scores for all oral pleadings (960 possible points) and twice the total scores for both the memorials (480 possible points). The highest total raw score possible in the competition is therefore 1440 points. This rule applies regardless of whether two teams which are tied with the same win/loss record had met each other in a previous round.

c. 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: 9 points per round times 4 rounds.)

d. other

If teams are still tied after comparison of win/loss record, total raw scores, and judges' points, a determination of the rank of the teams in question will be made by the Executive Director.

D. Run-Off Rounds

1. The Pleading Option

The side which each team shall plead in run-off and championship rounds will be determined by choice of the highest ranking of the two teams participating in the run-off round. This is called the "pleading option." The rank of a team is determined by their performance during the competition's initial four rounds of oral pleadings. Teams have 30 minutes after official notification of who their opponent will be to declare their pleading option. If a team fails to declare its pleading option within that 30 minute period, they shall forfeit the pleading option to the opposing team.

2. Regional and International Semifinal Competition

In regional and International Semifinal competition, run-off round and championship round judges act only as oral pleading judges. The numerical scores previously assigned to memorials for the initial four pleading rounds are included for purposes of determining the winner of run-off or championship rounds (including the International Run-Off and World Championship Jessup Cup Rounds).

XIII. AWARDS

A. Regional Best Memorial Awards and the Alona E. Evans Award

The winner of Best Memorial Awards shall be based on the cumulative total of 40-point based scores of the three memorial judges. The highest possible score is 240 (120 for applicant plus 120 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 points (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). The Best Memorial Award in International Semifinals Competition shall be the Alona E. Evans Award.

B. Best Oralist Awards

The winner of the Best Oralist Award in regional and international semifinals competition shall be that person with the highest average individual oral scores, computed as follows: For each oralist, total all individual scores received and divide by the number of oral judges scoring that oralist. An oralist must plead at least 2 rounds to be considered for an Oralist Award, with the exception of oralists in a "sudden death" round (See rule VII(A)(1)). If an oralist pleads more than 2 rounds, he or she shall indicate, prior to the start of the rounds, which two oral pleadings

should be used for the Best Oralist calculations. If no such indication is made, the oralist's first two rounds will be used for the calculations. In no event shall the score from more than two rounds be used to calculate Best Oralist results.

C. Regional Champions

Winners of the Championship Round of a Regional Competition earn the right to represent their country (See Official Rule I(B)) in the International Semifinals.

D. Jessup Cup World Champion

The winner of the World Championship Jessup Cup Round will be declared the Jessup Cup World Champion of the 1989 Philip C. Jessup International Law Moot Court Competition. The Jessup Cup World Championship team will receive two awards — one to keep, and one to hold in trust. The award in which they may hold in trust is the world famous Jessup Cup, which the team may bring back to their school to put on display. The Championship team, however, takes full responsibility for the safety of the Jessup Cup while it is in their custody. Furthermore, the Championship team is fully responsible to return the Jessup Cup, in polished condition, to the Executive Director or his or her representative at the site of the following year's International Semifinals of the Competition before the commencement of the following year's World Championship Jessup Cup Round. Each member of the championship team will have his or her name engraved on the appropriate plate on the base of the Jessup Cup, under the respective date of the competition, the name of their school's country, and the name of their school. The Executive Director shall be responsible for the engraving of the plate. Each individual member of the Jessup Cup World Championship team also receives an ILM Award, featuring a free one-year subscription to International Legal Materials, published by the American Society of International Law.

E. Jessup Cup World Champion Runner-up and Regional Runner-up Champions

The Jessup Cup World Champion Runner-up will be considered the second best team in international competition. Regional Runner-up Champions will be considered the second best team in their regional competition. Should a regional championship team be unable to attend the International Semifinals, the Executive Director, at his or her discretion, may recognize the regional runner-up champion as the legitimate representative of that country if that regional runner-up is able and, in fact, does attend the International Semifinals upon the invitation of the Executive Director.

F. Other Awards

1. International Run-Off Rounds - "Top Eight Teams"

Those teams which qualify for the International Run-Off Rounds and are eliminated in the first run-off round shall receive an award as being amongst the "top eight Jessup teams of the world in international competition."

2. International Run-Off Rounds - "Top Four Teams"

Those teams which qualify for the International Run-Off Rounds and are eliminated in the second run-off round shall receive an award as being amongst the "top four Jessup team of the world in international competition."

3. Best Oralist in World Championship Jessup Cup Round

The oralist receiving the highest average oral pleading score in the World Championship Jessup Cup Round shall receive an award as being the "Best Oralist in the World Championship Jessup Cup Round."

4. Hardy C. Dillard Award

All "Best Memorial Award"-winning memorials from regional competitions throughout the world which are duly received by the Executive Director pursuant to these Rules shall be entered in the Hardy C. Dillard Award competition. The winner of the Hardy C. Dillard Award shall be declared the "Best Memorial in World Regional Competition."

5. Baxter Awards

There shall be two Baxter Awards in the Competition—one for applicant memorials and one for respondent memorials. The five highest-scored applicant and five highest-scored respondent memorials from the International Semifinals Competition shall be entered in the Baxter Award Competition. If an applicant or respondent memorial is entered twice in this manner, the memorial from the Hardy C. Dillard Award will be eliminated and the sixth highest-scored memorial from that Competition shall replace the duplicate memorial, and so on.

The winner of the Baxter Award for applicant memorials shall be declared the "Best Applicant Memorial in the Entire Philip C. Jessup International Law Moot Court Competition." The winner of the Baxter Award for respondent memorials shall be declared the "Best Respondent Memorial in the Entire Philip C. Jessup International Law Moot Court Competition". The applicant and respondent memorial winners of the Baxter Award shall be published in the appropriate volume of the ILSA Journal of International Law.

XIV. ANNUAL REPORT

After the World Championship Jessup Cup Round, the Executive Director shall send a report to all teams that participated in the International Semifinals Competition. This report shall, at a minimum, indicate the winners, the best memorials, and best oralists in the International Semifinals Competition and the winners of the Hardy C. Dillard Award and the Baxter Awards.

ANNEX A

ORAL PLEADING SCORING INSTRUCTIONS

(Please Review Prior to Oral Pleadings)

Each team is given 45 minutes to plead, of which no more than 10 minutes may be reserved for rebuttal or surrebuttal. No single oralist shall argue longer than 25 minutes. Extensions 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 pleadings, each oral judge should tentatively score each oralist at the conclusion of his or her presentation. Following the pleadings, the judges shall retire to deliberate. They shall then individually mark their scoring summaries without comparisons to the scoring summaries of their fellow judges.

Team scores shall be the total of the two individual oralist scores. The team with the greatest total wins that judge's ballot. If a tie in team scores should occur, a judge may break the tie by indicating a winner in writing on the judicial ballot.

Please evaluate each advocate independently rather than in comparison to the other advocates in the round (or other rounds you may have judged). A score between 25 and 40, inclusive, should be assigned to each advocate. An average score for the Jessup Competition is 33. Please note that this "personal 33 point scoring average" for judges is only a general guideline. It should not be so strictly adhered to as to adversely affect what a judge feels is a fair and proper individual evaluation.

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
- 2) Familiarity with international authorities
- 3) Response to questions
- 4) General knowledge of the substance and process of international law
- 5) Clarity
- 6) Ingenuity
- 7) Organization
- 8) Persuasiveness
- 9) Ability to plead by analogy from related aspects of international law
- 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.

Judges should penalize participants for failure to keep within the scope of pleadings. That is, applicant's rebuttal should be limited to the scope of respondent's pleadings proper, and respondent's surrebuttal should be limited to the scope of the applicant's rebuttal.

Since a team has no choice as to which side of the dispute it must plead 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 pleadings, but should also bear in mind the importance of affording oralists the opportunity to "make their case."

ANNEX B

MEMORIAL SCORING INSTRUCTIONS

Memorials shall be scored individually by each Memorial Judge independently of his colleagues, by assigning a grade between 25 and 40, inclusive. An average memorial score for the Jessup Competition is 33. Please note that this "personal 33 point scoring average" for judges is only a general guideline. It should not be so strictly adhered to as to adversely affect what a judge feels is a fair and proper evaluation of a team's memorial.

The factors to be considered in scoring (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
6. Ability to plead by analogy from related aspects of international law
7. Clarity and organization
8. Persuasiveness
9. Correctness of format and citations
10. Thoroughness
11. 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.

Since a team has no choice as to which side of the dispute it must plead, The substantive merits of the case shall not be considered in judging the memorials. Memorials are to be judged on the type of criteria enumerated above.

Memorials are also not to be judged on their appearance. A memorial is not to be penalized for being of less pleasing physical appearance unless this results from the infraction of a specific rule of the competition (i.e. form), or from a general carelessness of preparation. However, judges must penalize teams for persistent and flagrant violations in citation form, for the usage of argumentative footnotes, and for a Statement of Facts which materially distorts the applicable fact pattern.

In the case of Regional Competitions, scores shall be tendered to the National or Regional Administrator prior to the first round of oral pleadings of the Regional, and, in the case of the International Semifinals Competition, to the Executive Secretary prior to the first round of oral pleadings of the International Semifinals.

ANNEX C

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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.

the school.

- 27 March Memorials received after this date will not be judged for the purposes of the International Semifinals or Hardy C. Dillard Award Competition.
- Memorials for International Semifinals received after this date will be assigned the minimum score of 25.
- 1 April Check in at the ILSA Headquarters at the Palmer House Hotel and Towers, Chicago, Illinois, U.S.A. Exchange of memorials with opposing teams.
- 2 April Orientation for International Semifinal teams.
- 3-5 April International Semifinal Rounds at the Palmer House Hotel and Towers
- 5 April Presentation of International Semifinal Competition awards and announcement of eight teams having qualified for International Run-off Rounds at Jessup Awards Party.
- 6-7 April International Run-off Rounds
- 8 April World Championship Jessup Cup Round between winners of the International Run-off Rounds. Presentation of the Jessup Cup to the winning team. The Jessup Cup Round and the presentation will be videotaped.

ANNEX E

1989 PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

INTERNATIONAL TIMETABLE

October 1988

Introductory distribution to all participating law schools. The distribution includes one copy of an announcement of the Competition, one copy of the Jessup Problem, one copy of the International Registration Form, and the Official Rules of the Competition. As soon as registration forms are received and approved by the Executive Director, participants will be officially entered.

28 November

Clarifications: Deadline for receipt of requests for clarifications. Requests must be in writing.

Date of Regional Competition, earlier date set by National Administrator, or 13 January 1989 (whichever is sooner)

FINAL REGISTRATION DEADLINE: International Registration Forms for participation in the Competition received after this date will not be accepted.

1 March or seven (7) days after regional (if applicable)

Schools representing their respective nations in the International Semifinals: Deadline for mailing 25 copies of the applicant memorial and 25 copies of the respondent memorial to the Executive Director of the Association. Memorials must be prepared in English by the team(s) representing their country in the International Semifinals.

Schools receiving Best Memorial Award in Regional Competition: Deadline for mailing 10 copies of the applicant memorial and 10 copies of the respondent memorial to the Executive Director of the Association. Memorials must be prepared in English for purposes of Hardy C. Dillard Award Competition.

All mailing must be done by AIR MAIL, and all mailing packages must be clearly marked on the outside with the name of