

**The Philip C. Jessup  
International Law Students Association**

**Official Rules of the  
1997 Competition**

**For Use by All Teams Participating in the 1997 Competition.**

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**OFFICIAL RULE 1.0 ORGANIZATION OF THE COMPETITION****1.1 Administration**

The Philip C. Jessup International Law Moot Court Competition is co-sponsored annually by the International Law Students Association (ILSA) and the American Society of International Law (ASIL). The Official Co-Sponsor of the Competition in Europe is the European Law Students Association (ELSA). ILSA Member Schools are entitled to pay a discounted fee for participation in the Jessup Competition. The Competition is administered by the Executive Director of ILSA.

The Competition consists of two levels of oral pleadings: Regional or National Rounds, and International Rounds. Regional or National Competitions are held in each nation where more than one team wishes to participate in the Jessup Competition. The International Rounds represent the final stage of the Competition and include the International Preliminary Rounds, Run-Off, Quarterfinal and Semifinal Rounds, and the World Championship Jessup Cup Round. Each nation is permitted to enter one (1) team in the International Rounds of the Competition for every ten (10) teams participating at the National level.

The exact number of teams and the manner in which they are chosen, whether through separate Regional Competitions or a single National Competition, shall be determined by the Executive Director. Regional/National Administrators shall be approved by the Executive Director, upon consultation with representatives from each region or nation respectively. The Regional/National Competitions shall be held at locations designated by the appointed Regional/National Administrators, in consultation with the Executive Director. Teams selected as National Representatives shall advance directly to the International Rounds of the Competition as representatives of their respective Nations. In exceptional circumstances the Executive Director may allow additional teams from a nation to participate in the International Rounds if it is determined not to violate the spirit of these Official Rules and to be in the best interests of the Competition.

The Executive Director shall serve as final arbiter of implementation and interpretation of these Official Rules.

**1.2 Responsibilities**

Notice to one designated team representative shall constitute notice to all team members. Each team representative, i.e. the team captain, coach, or Faculty Advisor, shall ensure that ILSA has the team contact's proper address for this year's competition, be conscientious in checking the law school mails regularly and shall become thoroughly familiar with the Official Rules and Procedures of the Competition, applicable National Rules, and the Problem Clarifications which shall be issued.

**OFFICIAL RULE 2.0 CLARIFICATIONS OF THE JESSUP PROBLEM OR RULES**

Participants may submit written requests for clarifications of the 1997 Jessup Problem or Rules. Requests for clarifications must be received by Friday, 4 October 1996. The Jessup Office will acknowledge receipt of requests for clarifications only if a self-addressed stamped post card is included with the request.

All clarifications to legitimate requests will be summarized and posted on Friday, 1 November 1996. It is the responsibility of each team to ensure that the clarifications are received and noted in preparation for the Competition.

**OFFICIAL RULE 3.0 PARTICIPATION AND ELIGIBILITY****3.1 Team Eligibility**

All law schools and international law-related advanced degree programs shall be eligible to participate in the Competition upon formal acceptance by the Executive Director. Each school may enter one team. In extenuating circumstances, a National Administrator may petition the Executive Director, in writing, to allow dual representation from a single University. Such representation may be allowed if it is established that: 1) a local competition would be otherwise difficult or impossible to hold due to University regulations, calendars or other circumstances beyond the control of the Administrator or participating teams; or 2) the teams represent different University colleges or departments and will be participating independently of each other; and 3) each team independently fulfills the participation and registration requirements of these Official Rules.

Teams which have outstanding debts for fees or other incurred Competition debts shall not be eligible to compete in the following year's Competition until such fees or debts have been paid in full.

### **3.2 Team Member Eligibility**

All students enrolled on a full-time or part-time basis in a program of study leading to the equivalent of a U.S. Juris Doctor or an international law-related advanced (i.e. Masters or Doctorate) degree are eligible to compete in the Competition. 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.

Team members must be enrolled as students at only one institution during the academic year of the Competition, subject to the following exceptions:

#### **3.2.1 Required Externships and Apprenticeships**

Students who complete their primary legal studies after the receipt of the Competition Problem in any year and are enrolled in externship or apprenticeship programs shall be allowed, with the written approval of the Executive Director, to participate in the Competition if: 1) the externship or apprenticeship is required as a part of their legal education; and 2) the externship or apprenticeship does not involve work of a nature which would provide the student a significant or unfair advantage over other student participating in the Competition. In exceptional circumstances the Executive Director may review extended externships or apprenticeship programs beyond one year in length.

#### **3.2.2 Participation by Joint Program Students**

The Executive Director may, upon written request, allow the participation of teams composed of a visiting student studying in a joint program between schools or on a special one-semester program at a school fielding a Jessup team

#### **3.2.3 LL.M. Students**

Students enrolled in a full-time program leading to a U.S. Master of Laws Degree (LL.M.) or its equivalent may, with the written approval of the Executive Director, participate in the Competition if: 1) they entered the LL.M. or equivalent program within eight (8) months after completing their primary legal education; 2) they did not, during the interim, engage in the practice of law or any work of a nature which would provide the student a significant or unfair advantage over other students participating in the Competition; and 3) they otherwise meet the requirements of these Official Rules.

#### **3.2.4 Returning Students**

Students who have enrolled full or part-time in a program of study leading to a U.S. Juris Doctor or an international law-related advanced degree more than one year after the completion of studies leading to a U.S. bachelor's degree or its equivalent may participate in the Competition if: 1) they did not, during the period they were not enrolled full or part-time in classes, engage in the practice of law or any work of a nature which would provide the student a significant or unfair advantage over other students participating in the Competition; and 2) they otherwise meet the requirements of the Official Rules of the Competition;

### **3.3 Team Composition and Selection**

A team shall be composed of two (2) to five (5) student members. Team members may be chosen by any method approved by the responsible authority within the school, subject to the following provisions:

#### **3.3.1 Selection by Intramural Competitions**

If more than five (5) students overall, or more than one (1) complete team of students, from a single University, whether in the same or different departments of the same school, desire to participate in the Competition, an Intramural Competition administered by a responsible authority at the school shall be held between the students or teams to determine which team will represent the University. Intramural Competitions shall be conducted in accordance with the provisions of these Official Rules. If Jessup Problems are used in the Intramural Competition, then past problems should be used in lieu of the current problem.

#### **3.3.2 Nationality Requirements**

National Administrators may not, without the written approval of the Executive Director, set nationality requirements with regard to the composition of teams representing their nation. Requests for such approval should clearly state, in writing, the reasons for such a requirement, and must be incorporated in approved National Rules Supplements. In the absence of such approval, all eligible students at a participating school shall be allowed to participate on a Competition team.

### **3.3.3 Prohibition of Academic Screening**

All students at the school must be given an equal opportunity to try-out for the Jessup team, subject to approved National Rules Supplements. In no instance may a grade-point average, class rank, or other academic ranking factor disqualify a student from trying out for, or participating on, a Jessup Team from any University, unless a student has an academic probationary status at the participating school.

### **3.4 Outside Assistance to Teams**

All research, writing and editing must be solely the product of team members.

#### **3.4.1 Assistance from Faculty Members, Coaches and Advisors**

Outside assistance rendered to a team in the preparation of its case by faculty members, coaches, or team advisors shall be limited to a general discussion of the issues, suggestions as to research sources, consultations regarding oral advocacy technique, and decision-making as to strategy in Competition elimination rounds.

#### **3.4.2 Assistance from Writing Centers and Writing Advisors**

Assistance from legal writing advisors shall be limited to general commentary on memorial organization and structure, the flow of arguments, and format.

#### **3.4.3 Assistance from Librarians and Other Research Professionals**

Assistance from librarians, computer research advisors, and other legal resource specialists in preparing Competition materials shall be limited to answering specific questions regarding the location of legal sources or general legal research methods.

### **3.5 Confidentiality of the Judges' Bench Memorandum**

The contents of the Bench Memorandum are strictly confidential. Any team found to be making use of the current Bench Memorandum shall be eliminated from the Competition. Teams discovering a copy of the Bench Memorandum should immediately return it, without examining the contents, to the Competition Administrator.

### **3.6 Use of Opposing Team's Memorials**

No team shall be allowed to view or otherwise become privy to any memorial other than the respective Applicant and Respondent memorials of scheduled opposing teams in the course of National/Regional and International Rounds until the conclusion of the World Championship Jessup Cup Round.

### **3.7 Ethical Violations**

All incidents or allegations of ethical violations shall be referred to the Executive Director. The Executive Director shall refer the evidence to an independent committee from Friends of the Jessup, whose recommendations shall be implemented by the Executive Director. Teams found to have received inappropriate outside assistance -- i.e. use of non-team members as student researchers, inappropriate professional assistance, or plagiarism -- shall be eliminated from the Competition.

## **OFFICIAL RULE 4.0 TEAM REGISTRATION**

### **4.1 Fees**

Each team participating in the Competition shall remit the appropriate registration fee with ILSA/Jessup Invoice Form to the ILSA Executive Office by one the following dates (unless an extension is granted):  
United States schools - 15 September 1996 (permitted with payment of a late fee until 1 November 1996).  
Schools outside the United States - 1 January 1997.

In exceptional circumstances, schools may request, in writing, a waiver of the Jessup fee.

Invoice Forms may be requested by contacting ILSA at: 2223 Massachusetts Avenue, NW, Washington, DC 20008; Tel: 202-939-6030; Fax: 202-265-0386; E-mail: [ilsa@access.digex.net](mailto:ilsa@access.digex.net)

### **4.2 Registering Names of Team Members**

Each team competing in the Jessup Competition shall submit a completed Registration Form with all team members' names prior to or on the date that memorials are due.

Team members' names should be clearly printed or typed on the form, with attention given to the spelling of each team member's name. The names should appear in the manner that individual team members wish it to appear on their Jessup participation certificates. Only Registration Forms with the required Faculty Advisor's signature will be considered valid.

### **4.3 Team Number as Identification**

Each team shall be assigned an official team number selected at random by the Executive Director. Team numbers will be distributed by the Regional/National Administrators. Countries with only one team will be issued a team number after 1 January directly from the ILSA Executive Office.

Teams shall use their team numbers for identification purposes to ensure anonymity in Competition judging at all levels of the Competition.

#### **4.3.1 Team Number as Identification on Memorials**

Each Memorial must carry the official Jessup Team Number, as directly issued by the Executive Director. This number must be placed in the upper right-hand corner of the outside front cover of the appropriate memorial, followed by an "A" for the Applicant memorial and an "R" for the Respondent memorial (For example, for team number 000, the identification of "000 A or "000 R" would appear at the upper right hand corner of the outside front cover of the Applicant or Respondent Memorials respectively.)

No names of participants, Nations or schools may appear anywhere on or within the memorials. Signature pages are prohibited. Competition Administrators shall strike all references to team members' or schools' names from the memorials prior to submitting them to judges.

## **OFFICIAL RULE 5.0 REGIONAL/NATIONAL ADMINISTRATION**

### **5.1 National Representation**

Any nation in the world may organize a National Competition, the winners of which advance to the International Rounds.

#### **5.1.1 Special Jurisdictions**

At the discretion of the Executive Director, special jurisdictions may enter teams in the Competition. For this purpose, special jurisdictions may include colonies, trust territories, and similar distinct geographic regions, with or without complete National sovereignty. For the purposes of these Official Rules, the term "nation" shall include special jurisdictions. The term "National Administrator" shall include the administrators of such special jurisdictions.

### **5.2 Regional/National Administrators**

Regional or National Administrators shall be appointed by the Executive Director. A Regional or National Administrator may not serve as coach, or in any other way assist a team registered in the National Competition.

## **OFFICIAL RULE 6.0 WORLD REGIONAL ADMINISTRATION**

### **6.1 World Regional Representation**

Upon agreement with the Executive Director, nations within one geographic region of the world may join together for purposes of a World Regional Competition. Winning teams from each represented nation shall be recognized as National Champions. Top teams from the World Regional shall advance to the International Rounds and shall be recognized as a World Regional Representative in addition to their National Representation.

### **6.2 World Regional Administrator**

World Regional Administrators shall be appointed by the Executive Director. A World Regional Administrator may not serve as coach, or in any other way assist a team registered in the Regional Competition.

## **OFFICIAL RULE 7.0 JUDGES (REGIONAL, NATIONAL AND INTERNATIONAL ROUNDS)**

### **7.1 Three Judge Panels**

Three (3) judge panels shall be utilized whenever possible. Students shall not serve as judges, except LL.M. and other post-graduate degree candidates not directly affiliated with any team participating in the Competition.

The Administrator may employ more than three (3) judges in Run-Off, Quarterfinal, Semifinal and Championship Rounds of the Competition.

### **7.2 Anonymity of Teams**

The identity of a team shall be kept confidential, except in circumstances at the International Rounds of the Competition where the judge's final score for the memorial would be affected by knowledge of whether or not the native language of the team is English. In such instances, the Executive Director may reveal whether English is the

native language of the team and the extent to which professional translators were used by the team. The Administrator may not reveal the actual native language or team Nationality.

### **7.3 Faculty Advisors and Coaches 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 any level of the Competition. Exceptions may be made at the International Rounds when the advisor, coach or other affiliated person's own school is not participating or neither of the two (2) teams in the Round is scheduled against the advisor, coach or other affiliated person's school later in the Competition.

Faculty Advisors, coaches and other directly affiliated parties acting as judges shall not disclose the contents of the Judge's Memorandum or other oralists' arguments to any Competition participant.

### **7.4 Judges Affiliated With Schools in the Competition**

No judge should sit on a panel of any round at any level of the Competition involving a team from a University with which the judge has an affiliation, acquaintance or other role which would create an appearance of impropriety, except in situations disclosed and approved by the Executive Director.

Merely being an alumnus of a host school does not constitute a violation.

### **7.5 Disqualification of Regional/National Administrators from Judging**

In no case shall a Competition Administrator act as a judge in actual or exhibition Rounds of the Competition for which the Administrator is responsible, or in any other way assist a registered team in the Competition unless approved by the Executive Director.

### **7.6 Prior Viewing of Teams**

Judges should not view a team which they have viewed in a previous Round of the Competition. If a judge must view a team twice, the Administrator shall strive to ensure that the judge views the opposite side of the team's argument.

### **7.7 Notification to Administrator of Incompatible Judges or Teams**

Teams may bring to the attention of the Competition Administrator names of judges who know team members or with whom team members have a relationship beyond the scope of the Competition. It is the responsibility of the team members aware of a conflict to bring the conflict to the attention of the bailiff and/or Competition Administrator prior to the beginning of the round.

Mere recognition of a judge is insufficient grounds for elimination from the panel. The judge must be able to recognize a competitor and to connect that competitor with a particular school.

Complaints regarding conflicts not raised before the beginning of a round are waived.

### **7.8 Bench Memorandum**

A Memorandum of Law and Authority (hereinafter the "Bench Memorandum") shall be distributed to the Competition judges for purposes of briefing them on the legal issues addressed in the Competition Problem. The contents of the Bench Memorandum are strictly confidential to all but Judges and Competition Administrators.

### **7.9 Commentary by Competition Judges**

Judges in any Round of the Competition are encouraged to provide direct feedback to teams regarding the teams' performance at the completion of the Round. Judges shall not reveal to teams the results of their individual determinations or the teams' Raw Scores, nor shall they provide any substantive feedback that would reveal their individual determinations or contents of the Bench Memorandum.

## **OFFICIAL RULE 8.0 MEMORIALS**

### **8.1 Submission of Memorials**

All memorials submitted in the Competition must conform to the following general requirements. Teams will be penalized for failure to keep within these limitations and judges may also take appearance of the memorial into consideration when evaluating the written effort.

Each team participating in the Competition shall prepare an Applicant and a Respondent memorial, and timely mail one (1) copy of each memorial to the Executive Director by 13 January 1997 or the date of Regional/National Competition deadline, whichever is earlier.

Memorials must be mailed in accordance with the provisions of the National Rules Supplement. If mailing requirements are not stipulated in the National Rules Supplement, then memorials shall be mailed by express, registered, or certified mail in North America. Memorials shall be mailed by express or airmail if outside North America.

Memorials shall be mailed to the Executive Director on the same date as required for the Regional/National Competitions, and must be identical to those sent to the Regional/National Administrator for the Regional/National Competitions. Teams which fail to mail memorials on time will be penalized. Equipment failure or problems, including computer disk failure, will not be considered an excuse for improper formatting or late mailing of memorials.

Once submitted to the Executive Director, memorials may not be altered. If pages are inadvertently left out in the collating process, the Executive Director may allow a team to correct the deficiency, and may assess appropriate discretionary penalties. The act of word processing or producing a computer printout, and any attendant failure in computer systems, is not considered part of a collating process for the purposes of these Rules.

Re-typing the pleadings section to correct footnote numbers or typographical errors, or to change footnote format, i.e. put them at the end rather than in the body, is subject to a revision penalty.

#### **8.1.1 Memorials of Teams Advancing to the International Competition**

Each team advancing to the International Rounds and the Alona E. Evans Competition shall mail an additional thirty (30) copies of both its Applicant and Respondent memorials to the Executive Director.

#### **8.1.2 Memorials of Teams Advancing to the Dillard Competition**

Memorials for the Dillard Competition must be prepared in English. Those teams advancing only to the Dillard Competition shall mail to the Executive Director five (5) copies of their Applicant and Respondent memorials.

#### **8.1.3 Memorials Submitted in Languages Other Than English**

Memorials for Regional/National Competitions, if National Rules Supplements provide, may be prepared in languages other than English. However, memorials of teams advancing to the International Rounds of the Competition must be translated to English, and must otherwise conform to the required format outlined in these Official Rules, prior to submission to the International Competition.

The translation of memorials shall be, to the greatest extent possible, verbatim. The contents of memorials may not be revised, updated or otherwise altered in the translation process. Alteration of the legal content of the memorials during translation shall result in elimination from the Competition.

### **8.2 Format of Memorials**

Memorials must be typed and reproduced by offset printing, photocopying, or similar process. The process used must produce a clear, black image on white 21 x 29 3/4 centimeter, or 8 1/2 by 11 inch paper. The text of each memorial shall be typeset in standard 12-point or larger type with double-spacing between lines. Type size and face shall be consistent throughout the memorial. Quotations in excess of three lines shall be indented. Footnotes shall appear in print as standard 12-point or larger type with double-spacing between footnotes.

### **8.3 Parts of the Memorial**

The memorial shall be divided into two primary parts: 1) the Body, or written pleadings; and 2) the introductory Constituent Parts. Issues or pleadings not discussed within the pleadings proper of the Body of the memorial shall not be included in the Constituent Parts of the memorial. Memorials found to introduce in the Constituent Parts arguments or materials not included within the pleadings proper of the body of the memorial shall be penalized.

#### **8.3.1 Statement of the Facts**

Each memorial shall include a full Statement of the Facts. A mere stipulation to the facts is prohibited. The Statement of the Facts shall be limited to the stipulated facts and necessary inferences from the problem. The Statement of the Facts must not include unsupported facts, distortions of stated facts, or legal conclusions.

The fact pattern of the Jessup Problem is intentionally somewhat vague. Participants will be judged on their ability to make the facts conform to their arguments without changing the circumstances.

#### **8.3.2 Summary of the Pleadings**

Each memorial shall include a Summary of the Pleadings. The Summary of the Pleadings shall consist of a substantive summary of the pleadings presented in the memorial, rather than a simple reproduction of the pleading headings. The Summary of the Pleadings, however, should be no more than two (2) pages in length.

### **8.3.3 Additional Parts**

Memorials shall also contain: 1) Table of Contents; 2) Index of Authorities; 3) Statement of Jurisdiction; and 4) Statement of Questions Presented.

### **8.4 Length**

The entire Memorial may be no longer than 12,000 words. Words will be counted by the Executive Director. Each memorial shall be submitted in paper form and on computer diskette and on a 3 1/4 inch computer diskette to the Administrator and each opponent. The computer diskettes must be in one of the following formats: WordPerfect 5.1, Word for Windows 6.0, or Word for Macintosh 6.0. No other computer format will be accepted.

#### **8.4.1 Waiver of the Word Count Rule**

Teams unable to comply with Rule 8.4 may apply, in writing, to the Executive Director for a waiver, and explain in detail the reason why they are unable to comply with the new word count rule. In exceptional circumstances the waiver may be granted, and such teams will be subject to the memorial format provisions of the 1996 Official Rules, which will be sent under separate cover to approved teams.

### **8.5 Limitations on the Use of Footnotes/Endnotes**

Either footnotes or endnotes may be used. However, the footnotes or endnotes are to be used to cite authority only. Neither footnotes nor endnotes may include substantive pleadings or examples. A footnote or endnote may only support material that is already stated and analyzed in the body of the memorial. Footnotes and endnotes are included in the word count rule of Official Rule 8.4.

### **8.6 Margins**

Each page of the memorials (regardless of content) shall have margins of an average of at least one inch or two point six (2.6) centimeters on all sides, excluding page numbers.

### **8.7 Covers**

Applicant memorials must be distinguished from Respondent memorials by differentiating the two sides by two different-colored, non-white covers. The colors chosen by the teams to distinguish Applicant and Respondent memorials are at the teams' discretion so long as neither cover is white.

Each memorial should bear on its cover the following: (a) the team number; (b) the name of this Court (ICJ); (c) the year of the competition (1997); (d) the name of the case; and (e) the title of the document (i.e., "Brief for Respondent" or "Brief for Applicant").

#### **8.7.1 Team Number as Identification on Memorial Cover**

The team number must be placed in the upper right-hand corner of the outside front cover of the each memorial, followed by an "A" for the Applicant memorial and an "R" for the Respondent memorial (For example, for team number 000, the identification of 000 A or 000 R would appear at the upper right hand corner of the outside front cover of the Applicant or Respondent Memorials respectively.).

### **8.8 Binding**

Memorials must be fastened by two or three staples along the left side of the memorial. No other type of fastening device (such as ring binding or tape) is allowed.

## **OFFICIAL RULE 9.0 ORAL PLEADING PROCEDURES**

### **9.1 General Procedures**

The Oral Rounds of the Competition shall consist of ninety (90) minutes of pleadings. Each side shall be allotted forty-five (45) minutes. The forty-five (45) minute allotment of time shall include the pleadings of both oralists from one team and rebuttal or surrebuttal. No single oralist shall plead more than twenty-five (25) minutes, including rebuttal or surrebuttal. Any team member may act as an oralist during any round of the Competition. Only two oralists may plead on behalf of a team during any one Round. In extenuating circumstances the Executive Director has discretion to permit a single oralist to argue beyond the twenty-five (25) minute limit. Teams using interpreters shall be allotted additional time pursuant to the provisions of Official Rule 9.7.

### **9.1.1 Extension of Time at Judges' Discretion**

Judges may, at their discretion, extend total team oral argument time beyond the forty-five (45) minute allocation, up to an additional ten (10) minutes per team. Oralists asked to further expand upon arguments may, in this instance, appear for more than the twenty-five (25) minute individual limit.

## **9.2 Pleadings**

The order of the pleadings in each Round at all levels of the Competition shall be: Applicant 1 --> Applicant 2 --> Respondent 1 --> Respondent 2 --> Rebuttal (Applicant 1 or 2) --> Surrebuttal (Respondent 1 or 2).

### **9.2.1 Rebuttal and Surrebuttal**

Each team shall be allowed to reserve up to ten (10) minutes at the start of the Round for rebuttal or surrebuttal. Team members shall notify the courtroom bailiff prior to the start of the Round if they intend to reserve time for this purpose, and should announce this fact to the judges during their introductions at the beginning of the oral pleadings during the Round. Only one team member may deliver the rebuttal or surrebuttal.

### **9.2.2 Scope of Pleadings**

The scope of the participant's oral pleadings is not limited to the scope of his or her written pleadings (submitted memorials). The scope of the Applicant's rebuttal is limited to the scope of the Respondent's pleading proper, and the scope of the Respondent's surrebuttal is limited to the scope of the Applicant's rebuttal. No legal issues which were not addressed in the primary pleadings may be raised in the rebuttal or surrebuttal. Oral pleading judges may penalize participants for failure to keep within these limitations.

## **9.3 Ex Parte Procedure**

In extreme circumstances, when one team fails to appear for a scheduled Round, the Competition Administrator, after waiting thirty (30) minutes, may allow the Round to proceed ex parte. In an ex parte proceeding, the attending team presents its oral pleading, which is scored by the judges as if they appeared against the opposing team. In such a case, the team that fails to appear for the scheduled Round shall forfeit all six (6) of the Round's oral pleading Round Points.

The Administrator may schedule an additional ex parte proceeding for the absent team later in the Competition, if time and administrative concerns permit. The scores from the absent team's ex parte proceeding will not affect the scoring of the original Round, and shall be used only for purposes of calculating individual oral pleading scores.

## **9.4 Of Counsel**

During each Round of the Competition, one (1) additional team member may sit at the counsel table with the two (2) oralists, as counsel. The person acting as counsel shall be one of the five (5) team members. The person acting as of-counsel need not be the same person in each Round.

## **9.5 Competition Communications**

### **9.5.1 Oral Courtroom Communication between Counsel Table and Bench**

Only the judges, the two (2) oralists and the team member designated as counsel may communicate during the oral pleadings. There shall be no oral communication between the counsel table and any other individual during the Round.

### **9.5.2 Oral Courtroom Communication and Activity at Counsel Table**

Every courtesy shall be given to oralists during oral argument. Communication at the counsel table shall be in writing to prevent disruption. Teams may be subject to discretionary penalties for unnecessary noise, outbursts, or other inappropriate behavior which distracts from the argument in progress. Penalties imposed shall be deducted from the oral pleading scores of both oralists of the offending team.

### **9.5.3 Written Courtroom Communication**

No written communication may take place between the oralist, counsel table and spectators or team members not present at the counsel table while the Round is in progress. This rule does not preclude, however, a team member from taking or being handed a treaty or other documents from the counsel table when the team member has been questioned about such documents during the course of his or her argument. Written communication may take place at the counsel table itself.

#### **9.5.4 Oral or Written Communication between Judges and Participants**

No oral or written communication may take place between judges and participants or directly affiliated parties during any stage of the Competition, except for the courtroom pleadings and official judge's critiques, as well as those materials distributed to the parties by the Competition Administrator.

In the event that a team or team member discovers during the course of the Competition that they have inadvertently communicated with a judge, it is the obligation of that team or team member to notify the Competition Administrator in writing to ensure that the judge does not view the team in oral arguments.

#### **9.5.5 Exhibits**

The use of exhibits is prohibited in the Jessup Competition. No written or other prepared material, i.e. maps and diagrams, shall be passed or showed to judges before, during or after the pleadings.

### **9.6 Spectators**

All Preliminary Rounds should be open to the public. Teams may agree in advance, and upon consultation with the Administrator, to place a cap on the number of spectators in a room at any one time during Preliminary Rounds of Regional/National Competitions. Non-affiliated persons, including friends and relatives of team members, may attend any Round. Presence of coaches, advisors, or other spectators affiliated with the team in the courtroom during the oral pleadings is permitted, so long as it is in conformity with the provisions of these Official Rules. Such persons should not sit behind their team members so as to risk disclosing their team's identity. Coaches, advisors, or other affiliated persons should take precautions to ensure that the identity of their teams are not revealed through outside relationships with potential courtroom judges. The ultimate responsibility for the actions of such affiliated persons falls upon the team coaches.

#### **9.6.1 Scouting**

No team member or person directly affiliated with any team may attend a Preliminary Round in which a prospective opposing team is participating, or any other Preliminary Round other than those in which their team is competing, except by consent of both teams. Violation of this Rule shall be considered scouting. Scouting is the observation of competitors or receipt of information regarding competitors' arguments from anyone and/or communication of that information to other competitors.

Team members wishing to observe a single Round of the Preliminary Competition, for the purpose of becoming familiar with Competition oral argument procedures, may do so with the express permission of the Competition Administrator, provided that neither of the teams observed will be faced by the team of the observer in the Preliminary Rounds of the Competition, and provided both teams that are to be observed consent to the activity.

### **9.7 Interpreters**

#### **9.7.1 Regional/National Competitions**

National Administrators may formulate National Rules Supplements concerning the use of interpreters in their Regional or National Competitions, making provisions where necessary in light of local conditions. Such additional Rules must be approved by the Executive Director.

#### **9.7.2 International Competition**

Teams wishing to present their oral pleadings in the International Rounds in a language other than English may arrange for interpreters to translate their oral pleadings during the International Rounds. Arrangements for and costs incurred in hiring interpreters and renting interpreter equipment are the responsibility of the team utilizing the interpreter. A team wishing to use interpreters shall inform the Executive Director no later than two (2) weeks prior to the start of the International Preliminary Rounds.

Such teams may request permission from the Executive Director to extend total team time beyond the forty-five (45) minutes normally allotted for oral pleadings. The maximum extension of time will be twenty (20) minutes per Round. The use of an interpreter in one Round, however, does not commit the team to using an interpreter in every Round.

#### **9.7.3 Team Members as Interpreters**

A team member may serve as an interpreter for his or her teammates if: (a) he or she does not act as an oralist in the same Round in which he or she is an interpreter; and (b) he or she does not sit at the counsel table during a Round in which he or she is an interpreter; and (c) he or she does not communicate with his or her teammates in any way during the Round, except to translate their oral pleadings, their questions and responses to judges, and questions and responses to them from the judging panels.

#### **9.7.4 Non-Embellishment by Interpreters**

When a team employs an interpreter, the interpreter may only engage in a literal interpretation of the oralists' pleadings and responses. No embellishment on the part of the interpreter to enhance or clarify the oralists' arguments or responses is allowed. Teams engaging interpreters are subject to loss of the Round if the interpreter is found to have aided the team in the process of translation.

#### **9.8 Audio and Videotaping**

No audio or video taping of oral pleadings is permitted, except in the World Championship Jessup Cup Round, without the advance permission of the two (2) participating teams and either: 1) the Regional/National Administrator at their respective competition; or 2) the Executive Director at the International Competition. In no circumstances will participating teams be allowed to view any such videotape, or listen to any such audio tape, until after the completion of the Regional or National Competition in which the taped Round occurs. The International Law Students Association reserves all rights to the audio and video taping, or any other form of aural or visual reproduction, of any Jessup Competition Round. All teams participating in the World Championship Jessup Cup Round will be deemed to have consented to taping of that Round.

#### **9.9 Anonymity of Teams in Courtrooms**

The anonymity of all teams shall be maintained in the oral Rounds of the Competition. Teams shall be identified by team number and side of the dispute they represent only. However, team members may provide their individual names to judges for purposes of conducting courtroom discussions.

Team members may not expose the identity of their team through direct or indirect questioning by judges, name tags or other signifiers, or other means including, but not limited to, the placement of folders, files, library books or other materials bearing the name or logo of the school, or flag of their nation on the counsel table, and the wearing of pins or clothing revealing the identity of their nation or university. Teams using materials prepared in languages other than English shall take care to use such materials in a manner which ensures that judges may not easily deduct a team's identity or Nationality due to the uniqueness of written script or printed matter.

### **OFFICIAL RULE 10.0 REGIONAL/NATIONAL PAIRING PROCEDURES**

#### **10.1 Preliminary Rounds**

Regional/National Competitions shall consist of four (4) Rounds of preliminary oral pleadings. Each team competing in a Regional/National Competition shall plead twice as Applicant and twice as Respondent, pursuant to these Official Rules and approved National Rules Supplements.

Teams shall, to the degree possible, face any opposing team only once in the Preliminary Rounds of a Regional/National Competition. In the event that teams must face each other in two (2) Preliminary Rounds, each team shall represent the Applicant in one Round and the Respondent in the other Round.

##### **10.1.1 Oralists' Round Designations**

Oralists who will argue in more than two (2) Preliminary Rounds, and who wish to be considered for Best Oralist Awards, shall designate before the start of the first Round of the Competition which two (2) Rounds shall be used for purposes of determining Best Oralist Determinations. Oralist Round designations should be provided to the Competition Administrator on the form provided at orientation or otherwise provided in writing, and should identify the team member by name and team number. Oralists failing to designate two (2) rounds will be judged on the first two (2) rounds in which they argue.

##### **10.1.2 Pairings**

The pairing of teams for Preliminary Rounds of the Competition shall be done, in the first instance, by a random draw witnessed by two independent observers. Official pairings of teams once completed by the Regional/National Administrator shall be final, except as may be modified by the Regional/National Administrator to account for teams which do not appear at the start of the Competition. The Administrator shall have the power in such circumstances to adapt the pairings. If teams must be newly paired, they must be provided appropriate memorials as soon as reasonably possible, but in no event less than fifteen (15) minutes prior to the start of the newly paired round.

#### **10.2 Quarterfinal Rounds**

If more than sixteen (16) teams are participating in a Regional or National Competition, the Regional or National Administrator shall hold Quarterfinal Rounds among the eight (8) highest-ranking teams from the Preliminary Rounds in order to determine which teams shall advance to the Semifinal Rounds.

### **10.3 Semifinal Rounds**

In Regional or National Competitions of eight (8) or more teams, the Regional or National Administrator shall hold Semifinal Run-off Rounds among the four (4) highest-ranking teams from the Preliminary Rounds in order to determine which teams shall advance to the Championship Round.

### **10.4 Championship Rounds**

Championship Rounds shall be conducted pursuant to the procedures outlined in Official Rule 10.5 and 11.5.

#### **10.4.1 Sudden Death Rounds**

If only two (2) teams are competing in a Regional or National Competition, both teams may agree in advance to hold Sudden Death Elimination Rounds. In such Rounds, each team argues only once as Applicant and once as Respondent (for a total of two rounds), to determine the winning team. In Sudden Death Rounds, the Competition scoring system shall be adapted accordingly by the Regional or National Administrator, in consultation with the Executive Director.

### **10.5 Pleading Options in the Regional/National Competition**

The pleading options in the Quarterfinal and Semifinal Rounds shall be determined based upon the team rankings in the Preliminary Rounds, with the higher-ranked team receiving the pleading option, unless otherwise determined pursuant to an approved National Rules Supplement.

The pleading option for the Championship Round shall be determined by a coin toss, the highest ranking team from the Preliminary Rounds having the right to call the toss. The Regional/National Administrator shall appoint the party to toss the coin.

#### **10.5.1 Exercise of Pleading Options**

Each team earning the right to a pleading option shall be allotted thirty (30) minutes after notification of its right to exercise the pleading option to determine which side it wishes to plead in the upcoming Round. If a team fails to declare its pleading option within a thirty (30) minute period, it shall forfeit the pleading option to the opposing team. The opposing team is then given thirty (30) minutes to exercise its option. If this opposing team then fails to exercise its pleading option within a thirty (30) minute period, it also shall forfeit its pleading option.

Both teams shall have the opportunity to review their completed master team scoresheets from the Preliminary Rounds, but not individual judges' scoresheets or notes, for the Quarterfinal or Semifinal Rounds only (whichever is first), during the initial allotted thirty (30) minute period. Once the pleading option has been exercised, the opposing team shall be notified immediately of the side it shall argue in the next Round.

#### **10.5.2 Automatic Pleading Designation**

Should both teams fail to exercise the pleading option, or a tie cannot be broken under the provisions of Official Rule 12.4.1.5, the Regional/National Administrator shall determine the pleading option by a toss of a coin. The Competition Administrator shall call the toss.

The Administrator shall notify each team of the side it shall argue in the next Round. Both teams shall then be granted a reasonable time to prepare for the next Round.

#### **10.5.3 Exchange of Memorials**

Memorials shall be exchanged immediately upon the exercise of the pleading option or Automatic Pleading Designation.

## **OFFICIAL RULE 11.0 INTERNATIONAL PAIRING PROCEDURES**

### **11.1 Representation**

The International Rounds of the Competition shall be comprised of all teams that have won Regional or National Competitions.

### **11.2 Preliminary Rounds**

The International Rounds shall consist of four (4) Rounds of preliminary oral pleadings. Each team shall plead twice as Applicant and twice as Respondent. The Preliminary Rounds shall be scheduled over a period of three (3) days. Every effort shall be made by the Executive Director in scheduling teams to ensure that no team is scheduled to argue in consecutive Rounds. If it is necessary for a team to argue in consecutive Rounds, the team shall argue on opposite sides of the dispute.

### **11.2.1 Pairings for the Preliminary Rounds**

The pairing of teams for the International Rounds of the Competition shall be done, in the first instance, by a random draw witnessed by at least two independent observers. To assure international balance, the initial draw shall be modified as follows to the extent possible: no team except United States representative teams should argue against more than one team from any other single nation, no team should argue against more than two teams from its immediate geographic region.

Pairings for the International Rounds and the memorials of opposing teams will be distributed to teams at the orientation the day before the competition begins.

Official pairings of teams once completed by the Executive Director shall be final, except as may be modified by the Executive Director to account for teams that do not show. The Executive Director shall have the power in such circumstances to adapt the pairings. If teams must be newly paired, they shall be provided new memorials as soon as reasonably possible, but in no event less than fifteen (15) minutes prior to the beginning of the newly paired round.

### **11.2.2 Religious Scheduling Conflicts**

The Executive Director shall make every effort to accommodate legitimate religious interests of teams in scheduling oral Rounds. Such teams must notify the Executive Director in writing at least four (4) weeks prior to the Preliminary Rounds of the International Competition. If rescheduling proves impossible to accommodate a team's religious interest, the team will be asked to argue at the scheduled times.

### **11.2.3 Round Designations for the Best Oralist Competition**

Oralists who will argue in more than two (2) Preliminary Rounds, and who wish to be considered for Best Oralist Awards, shall designate before the start of the first Round of the Competition which two (2) Rounds shall be used for purposes of determining Best Oralist Determinations. Oralist Round designations should be provided to the Competition Administrator on the form provided at orientation or otherwise provided in writing, and should identify the team member by name and team number. Oralists failing to designate two (2) rounds will be judged on the first two (2) rounds in which they argue.

## **11.3 International Quarterfinal Rounds**

The International Quarterfinal Rounds shall consist of the eight (8) highest-ranked teams following a Run-Off of the sixteen (16) highest-ranked teams from the International Preliminary Rounds. The four (4) highest-ranked teams from the Quarterfinal Rounds will advance to the Semifinal Rounds.

### **11.3.1 Pairings for the International Run-Off and Quarterfinals**

Pairings of the top teams in the International Run-Off and Quarterfinal Rounds shall be based upon the official rankings from the Preliminary Rounds. The highest-ranked team will compete against the lowest-ranked team, the second highest ranked against the second-lowest ranked, etc., until all teams are matched, with the exception of teams affected by the Previous Meeting Qualification.

### **11.3.2 Previous Meeting Qualification**

If the initial pairing of the International Quarterfinal Rounds matches two (2) teams which have previously faced each other in the Preliminary Rounds, the Executive Director shall adapt, in an equitable manner, the pairings so that such match is avoided. If no suitable re-pairing can be achieved, the Executive Director shall use the original pairings and disregard this qualification.

### **11.3.3 National Pair-off Qualification**

No more than two (2) teams from the same nation may compete in the International Run-Off or Quarterfinals. If two (2) or more teams from the same nation qualify for positions in the top sixteen (16) highest-ranked teams from the Preliminary Rounds, the two (2) highest ranked teams only shall advance and be paired-off in the Run-Off Rounds to determine the sole National Representative to the Quarterfinal Rounds.

### **11.3.4 International Quarterfinal Rounds Pleading Options**

The pleading option in the International Run-Off and Quarterfinal Rounds shall be determined by coin toss. The Executive Director shall appoint a party to toss the coin and the highest-ranked team shall call the toss.

This provision applies only to the International Quarterfinal Rounds and not to Regional/National Competitions.

#### **11.4 International Semifinal Rounds**

The International Semifinal Rounds shall consist of the four (4) teams which advance from the International Quarterfinal Rounds. The two (2) winning teams from this Round shall advance to the World Championship Jessup Cup Round.

The pairings for the International Semifinals shall be determined by rank from the Preliminary Rounds, in the same pattern as the pairings for the International Quarterfinal Rounds.

##### **11.4.1 Previous Meeting Qualification**

The fact that two teams may have met previously in the International Preliminary or Quarterfinal Rounds shall be irrelevant in determining the pairings for the International Semifinal Rounds.

##### **11.4.2 International Semifinal Rounds Pleading Options**

The pleading option in the International Semifinal Rounds shall be determined by coin toss. The Executive Director shall appoint the party to toss the coin and shall call the toss. This provision applies only to the International Semifinal Rounds and not to Regional/National Competitions.

#### **11.5 World Championship Jessup Cup Round**

The pleading option for the World Championship Jessup Cup Round shall be determined by a coin toss. The Executive Director shall appoint the party to toss the coin and call the toss.

#### **11.6 Pleading Options in the International Rounds of the Competition**

Each team earning the right to a pleading option shall be allotted thirty (30) minutes after notification of its right to exercise the pleading option to determine which side it wishes to plead in the upcoming Round. If a team fails to declare its pleading option within the thirty (30) minute period, it shall forfeit the pleading option to the opposing team. The opposing team is then given thirty (30) minutes to exercise its option under the same conditions. During the thirty (30) minute period, both teams shall have the opportunity to review their completed master team scoresheets from the Preliminary Rounds -- but not individual judges' scoresheets or notes -- prior to the Run-Off and Quarterfinal Rounds only.

Once the pleading option has been exercised, the opposing team shall be notified immediately of the side it shall argue in the next Round. Both teams shall then be allowed a reasonable time to prepare for their round.

##### **11.6.1 Automatic Pleading Designation**

Should both teams fail to exercise the pleading option, the Executive Director shall determine the pleading option by the toss of a coin. The Competition Administrator shall call the toss.

##### **11.6.2 Exchange of Memorials**

Memorials shall be exchanged immediately upon the exercise of the pleading option or Automatic Pleading Designation.

### **OFFICIAL RULE 12.0 COMPETITION SCORING**

#### **12.1 Preliminary Rounds**

Scoring of the Preliminary Rounds of the Jessup Competition shall consist of two parts: the scoring of the written memorials, and the scoring of the oral arguments.

Each team memorial shall be submitted to a panel of three (3) memorial judges. The memorials shall be reviewed and scored by each judge on a scale of fifty (50) to one hundred (100) points, one hundred (100) points being the highest possible score to be given by a single judge per team.

Likewise, each oral argument will be scored by a panel of three (3) judges. Each judge shall score each oralist on a scale of fifty (50) to one hundred (100) points, one hundred (100) points being the highest possible score to be given by a single judge per oralist.

Three (3) judge panels shall be used to score memorials and oral arguments whenever possible, subject to the exceptions provided by these Official Rules.

#### **12.2 Calculation of Scoring Points**

Two (2) categories of points shall be awarded to teams in each stage of the Competition: Raw Score and Round Points.

### **12.2.1 Raw Scores**

The calculation of Raw Scores shall be subject to the deduction of Penalty Points under the provisions of Official Rule 13.0 et seq.

#### ***12.2.1.1 Memorial Raw Scores***

The calculation of the Memorial Raw Score for each team per Round is determined by adding together the three (3) memorial judges' scores for the side the team argued in that respective Round.

The Total Memorial Raw Score is determined by adding all six (6) scores for the Applicant and Respondent memorials combined. This total score shall be used for purposes of Best Memorial Awards.

#### ***12.2.1.2 Oral Raw Scores***

The calculation of the Oral Raw Score for each team per Round shall be determined by adding the scores of the three (3) judges for each oralist. There will be therefore a total of six scores per team (2 oralists) per round.

#### ***12.2.1.3 Total Raw Scores***

The Total Raw Score for each Round shall be the sum of the team's Total Memorial Raw Score and Total Oral Raw Score. The Total Competition Raw Score is determined by adding the Total Raw Scores from the four rounds.

### **12.2.2 Round Points**

#### ***12.2.2.1 Memorial Round Points***

The individual memorial judges' scores for each team participating in a Round are compared to those of the opposing team. The highest score given by a memorial judge for each team will be compared against the highest score given the opposing team, then the next highest, and finally the lowest. For each comparison, the team with the higher score will be awarded one (1) Round Point.

A total of three (3) Round Points may be awarded to memorials in each Round. One (1) point per judge shall be awarded to the team scoring higher than its opponent. If a judge rates the teams equally, the point from that judge shall be split, each team receiving one-half (.5) of a Judge's Point.

#### ***12.2.2.2 Oral Round Points***

The score from each judge's evaluation of the two oralists combined shall be compared to that judge's score for the two oralists on the opposing team. The higher scoring team per judge per round shall be awarded two (2) Round Points.

A total of six (6) Round Points shall be awarded for oral argument scores in each Round. Two (2) Round Points per judge shall be awarded when a team scores higher than its opponent. If a judge scores the teams equally, the points from that judge are split, each team receiving one (1) Round Point.

#### ***12.2.2.3 Total Round Points***

The Total Round Points for each Round shall be the sum of a team's Memorial Round Points and Oral Round Points.

### **12.3 Two (2) Judge Panels**

In exceptional instances, a two (2) judge panel for the scoring of memorials or oral arguments is permissible. A one (1) judge panel is never permissible. When a two (2) judge panel is used, the following adaptations shall be made to the scoring process:

#### ***12.3.1 Memorial Scoring for Two (2) Judge Panels***

Memorials scored by two (2) judge panels shall have a third averaged score added to their total. This third score shall be determined by averaging the scores of the other two (2) memorial judges. The averaged third score shall be recorded as the third judge's score, and will be figured as the middle score for purposes of calculating Memorial Round Points.

#### ***12.3.2 Oral Pleading Scoring for Two (2) Judge Panels***

Oral pleadings scored by two (2) judge panels shall have a third averaged score added to their total. This third score shall be determined by averaging the scores of the other two (2) oral judges. The averaged third score shall be recorded as the third judge's score.

The third averaged score may not be used for purposes of determining Best Oralist. In such a case, only the two "real" scores may be averaged with those of the oralist's other round.

## **12.4 Determination of Winners of the Preliminary Rounds**

### **12.4.1 Determination of Winner of an Individual Round**

The winner of the Round will be determined by Round points. The team receiving the greatest number of the nine (9) available Round Points wins the round. In the event that teams have an equal number of Round Points, the team with the highest Total Raw Score shall be declared the winner of the Round. Round Points control over Raw Score only in the individual rounds.

### **12.4.2 Win-loss Record**

The overall win-loss record for the Preliminary Rounds shall govern team rankings. A team with a win-loss record of 4-0 (4 wins, 0 losses) will rank higher than a team with a win-loss record of 3-1 (3 wins, 1 loss), which will rank higher than a team with a win-loss record of 2-2, etc.

### **12.4.3 Total Competition Raw Score**

If two (2) teams are tied after comparing win-loss records, the Total Competition Raw Score then controls and the team having the highest Total Competition Raw Score from the Preliminary Rounds of the Competition shall be ranked higher. The Total Competition Raw Score is calculated by adding the Total Raw Scores from the team's four (4) Rounds. There are thirty-six hundred (3,600) possible raw score points.

After win-loss, the Total Competition Raw Score governs even when two (2) teams that are tied with the same win-loss record faced each other during the Preliminary Rounds, or the team with the higher raw score was not the winner of the Round where the two (2) teams had faced each other.

### **12.4.4 Total Competition Round Points**

If two (2) or more teams remain tied after comparing win-loss records and Total Competition Raw Score, the team with the highest Total Competition Round Points from the Preliminary Rounds shall be ranked first.

There are thirty-six (36) possible Round Points from the Preliminary Rounds of the Competition: nine (9) points per Round (six (6) oral and three (3) memorial) multiplied by the two (2) Applicant and two (2) Respondent Rounds.

### **12.4.5 Tie-Breaking Procedure**

If teams are still tied after the comparison of win/loss records, Total Raw Score, and Total Round Points, the rankings shall be accomplished as follows:

- (a) If the teams faced each other in the Preliminary Rounds, the winner of that Round may be ranked higher for purposes of Final Rankings, but only if the tie exists after all other ranking provisions have failed to break the tie.
- (b) If teams have not faced each other in earlier Rounds, and time permits, a special Run-Off Round may be scheduled. The pleading option for such a Round should be determined by coin toss. The coin toss shall be called by the Administrator.
- (c) If the outcome of the determination does not affect either team's qualification for entry into the Quarterfinal, Semifinal or Championship Rounds of the Competition, the Administrator should declare an official tie for purposes of the Final Rankings.

If the ranking determination is necessary for one of the teams to advance to the Quarterfinal, Semifinal or Championship Rounds of the Regional/National Competition and none of the methods described herein settles the tie, the Administrator shall attempt to immediately contact the Executive Director to determine the proper method for establishing official rankings. If the Executive Director can not be contacted on short notice, the Regional/National Administrator may proceed at their discretion, taking into consideration the interests of the teams and the Competition as a whole. The Administrator's decision may only be overturned by the Executive Director on grounds of clearly erroneous error.

## **12.5 Scoring Procedures for Quarterfinal, Semifinal, Run-off and Championship Rounds**

Special scoring procedures and guidelines shall apply to the Quarterfinal, Semifinal, Run-off and Championship Rounds of National, Regional and International Competitions, unless modified under approved National Rules Supplements.

### **12.5.1 Method of Scoring**

Judges of Run-Off, Quarterfinal, Semifinal, and Championship Rounds at all levels of the Competition shall make an independent review of the team memorials and oral arguments and make a joint determination of the winner of the Round. Judge's may employ a point scoring system of their individual choice to aid them in making their individual determinations, including the use of the scoring system from the Preliminary Rounds. The decision regarding the winner of the Round shall be by majority decision of the judges on the panel. No ties are allowed.

Judges are instructed to treat the Round as a courtroom encounter, giving no particular fixed weight to either memorials or arguments, but judging on the overall performance of each team -- the memorials and oral arguments each consisting as part of that performance.

#### **12.5.2 Preliminary Round Scores**

The judges in Run-Off, Quarterfinal, Semifinal, and Championship Rounds at all levels of the Competition shall not be informed of the scores assigned to team memorials or oral pleadings in the Preliminary Rounds. Their review of the teams must be independent of the Preliminary Rounds.

All penalties from the Preliminary Rounds shall not apply in the Run-Off, Quarterfinal, Semifinal, or Championship Rounds.

#### **12.5.3 Judges' Comments**

Judges should always provide direct feedback to teams regarding their performance at the completion of the Round. They may not engage in any commentary which may reveal the content of the Bench Memorandum or announce the winner of the round unless instructed by the Administrator.

#### **12.6 Ranking of Teams**

The winner of the Championship Round shall be Champion and the opposing team shall be recognized as the Runner-Up. All other teams shall be ranked according to their place from the Preliminary Rounds.

#### **12.7 Ranking of Oralists**

Total Scores for each oralist in the Competition shall be determined by adding the six (6) judges' scores from two (2) Preliminary Rounds. The total score from those two (2) Rounds shall be averaged to determine the oralist's ranking. Scores will include any penalties assessed against the oralist.

If the oralist argued in more than two (2) Rounds, only the scores from rounds designated by the oralist prior to the Preliminary Rounds may be used. In the event that no designation was made, the first two (2) Rounds in which the oralist argued shall be used. Oralists shall be ranked from highest to lowest. Ties are permitted. If an oralist argued in only one (1) Round, he or she is ineligible for ranking.

#### **12.8 Ranking of Memorials**

Total Memorial Scores for each team shall be determined by adding the Total Raw Score of a team's Applicant Memorial and the Total Raw Score of the Respondent Memorial, six (6) total judges scores, for a possible total score of six hundred (600) points. Team memorials shall be ranked from the highest Total Memorial Score to the lowest. Ties are permitted in the ranking of memorials. Scores shall include penalties per the provisions of Official Rule 13.0 et seq.

#### **12.9 Reporting of Results**

Each team shall receive the following:

- (a) a copy of individual memorial judges' scoresheets and penalties, if any, with attendant comments, if any;
- (b) a copy of individual oral judge's scoresheets and penalties, if any, with attendant comments, if any, from Preliminary Rounds of the Competition;
- (c) a copy of the Overall Rankings of the Preliminary Rounds of the Competition, with the Total accumulated Win-Loss records, Overall Raw Scores, and Overall Round Points;
- (d) a copy of the Oralist Rankings from the Preliminary Rounds of the Competition, including all Total Individual Oral Scores;
- (e) a copy of the Memorial Rankings from the Preliminary Rounds of the Competition, including all Total Memorial Scores; and
- (f) a summary of the Run-Off, Quarterfinal, Semi-final, and Championship Rounds of the Competition.

### **OFFICIAL RULE 13.0 PENALTIES**

#### **13.1 General Procedure**

The following is an exclusive list of Penalties which may be imposed upon teams in the Competition, subject to approved National Rules Supplements. Penalties in Regional/National Competitions do not carry over to the International Rounds.

### **13.2 Types of Penalties**

The power of the Competition Administrator to assess Penalties is divided into two (2) categories: Non-discretionary (Official Rule 13.3 et seq.), and Discretionary (Official Rule 13.4 et seq.). Non-discretionary and Discretionary Penalties shall be applied against a team either as a Generic or Specific Penalty.

Generic Penalties are a general violation and apply against a team in all its rounds, i.e. mailing a memorial late to the Administrator.

A Specific Penalty is a specific violation, and shall apply against a team only in a specific round, i.e. mailing a memorial late to just one particular team, or being penalized for disruptive behavior against one particular team.

### **13.3 Application of Penalties**

All penalties apply against each judge's score, i.e. a penalty of fifteen (15) points shall have a cumulative effect of forty-five (45) total penalty points from the combined score of three (3) judges.

### **13.4 Minimum Scores**

The minimum score for any team, per judge, is fifty (50) points. No further reduction may be made to scores after the minimum score is reached, regardless of unallocated penalty points remaining.

### **13.5 Non-Discretionary Penalties**

For the following violations, penalties will be assessed mechanically.

#### **13.5.1 Non-Discretionary Memorial Penalties**

The following penalties may be imposed only by the Competition Administrator and shall be deducted from each of the individual judges' scores on a team's memorial. In the event that a memorial is scored by only two (2) judges under the provisions of Official Rule 12.3 et seq., the penalties shall be deducted from each of the two (2) judge's scores prior to calculating the hypothetical third score.

In instances where only one memorial is in violation of the Rule, memorial penalties may be deducted from the scores of the offending memorial only.

The Competition Administrator shall notify all affected teams of imposed penalties prior to the first Round of the Preliminary Competition.

##### **13.5.1.1 Tardiness in Mailing Memorials**

Memorials postmarked after the deadline for Regional/National Competitions, or as noted on the International Competition Timetable shall be penalized fifteen (15) points.

##### **13.5.1.2 Extreme Tardiness in Mailing Memorials**

Memorials shall be penalized three (3) points per day, in addition to the initial fifteen (15) points penalty for tardiness, up to an additional five (5) days. Memorials for either the Applicant or Respondent not postmarked within six (6) days of the Regional/National deadline shall be eliminated from competition.

##### **13.5.1.3 Failure to Include a Statement of Facts or a Summary of Pleadings**

Memorials which do not include a Statement of the Facts, Summary of the Pleadings or other additional required parts pursuant to the provisions of Official Rule 8.3 shall be penalized five (5) points for each missing constituent part.

##### **13.5.1.4 Failure to Differentiate Applicant and Respondent Memorials**

Teams which fail to differentiate Applicant and Respondent memorial covers will be penalized three (3) points for each memorial.

##### **13.5.1.5 Displaying Names of Team Members on Memorials**

Teams which print or otherwise display the names of team members in their memorial (i.e. on the front cover, a signature page, or in the Body or other parts) shall be penalized five (5) points on the offending memorial.

##### **13.5.1.6 Inclusion of School Name**

Teams which include the name of their school, nation or team anywhere in memorial will be penalized fifteen (15) points per offending memorial.

##### **13.5.1.7 Failure to Include Team Number on Cover of Memorial**

Teams which fail to include the team number on the cover of their memorials shall be penalized five (5) points per offending memorial.

**13.5.1.8 Failure to Designate Proper Memorial Type**

Teams which fail to designate the proper memorial-type (i.e., A or R) on the upper right corner on the cover of their memorials shall be penalized two (2) points per offending memorial.

**13.5.1.9 Failure to Double-Space Pleadings Section**

Teams which fail to double-space the Body of the memorial shall be penalized three (3) points per offending page, to a maximum of fifteen (15) points.

**13.5.1.10 Failure to Double-Space Between Footnotes and Headings**

Teams which fail to double-space between footnotes in the Body of their memorials shall be penalized two (2) points for every page on which the violation occurs, to a maximum of ten (10) points.

**13.5.1.11 Length**

Teams exceeding the word limit shall be penalized thirty (30) points.

**13.5.1.12 Margins**

Improper margins shall be penalized five (5) points.

**13.5.1.13 Binding**

Improper binding of team memorials will be penalized five (5) points.

**13.5.2 Non-discretionary Oral Pleading Penalties****13.5.2.1 Procedure**

The Competition Administrator is empowered to impose non-discretionary Oral Pleading Penalties based upon consultation with the judges only. If the Administrator confirms the occurrence of an event subject to imposition of non-discretionary penalties, the penalty may be applied. In instances where the judges cannot confirm the occurrence, or the judges have provided only written commentary on the occurrence, the Administrator shall consult with the affected teams and courtroom bailiff prior to imposing the penalty.

If a team believes that a violation of a nature which would incur a discretionary penalty has occurred, the team may bring the alleged violation to the attention of the courtroom bailiff in writing within five (5) minutes of the completion of the Round. Written complaints shall clearly identify the violation and the parties involved in the violation. The teams shall in no case directly approach the judges regarding a potential penalty or violation of these Official Rules. Complaints brought directly to judges will be disregarded. Teams shall approach the bailiff in the first instance, or the Competition Administrator if there is no bailiff.

**13.5.2.2 Consultation with Bailiffs**

The judges or Administrator may consult with the courtroom bailiff, if necessary, to verify or otherwise confirm a penalty. The bailiff shall inform the Administrator of the alleged violation. The Administrator shall consult with the judges in investigating the alleged violation. If the Administrator can not be located, the bailiff shall assist the judges to summarize the complaint and their impressions briefly on paper for the benefit of the Administrator. Courtroom bailiffs may not confirm a ruling or interpret these Rules, but may only provide assistance in verifying circumstances or the occurrence of an event.

**13.5.2.3 Deduction of Penalties by Judges Prohibited**

In no instance shall judges deduct from the scores of the oralists any penalty points. Penalty points shall be deducted only by the Administrator. Judges shall score the Round as if no violation occurred.

**13.5.3 Activity Subject to Non-Discretionary Penalties****13.5.3.1 Communication Between Counsel Table and Spectators**

Team members which communicate between the counsel table and any other person other than judges in the courtroom during the oral pleading shall be penalized ten (10) points. This penalty shall not apply to the scores of individual oralists, unless the oralist is directly at fault.

**13.5.3.2 Submission of Written or Other Materials to Judges**

Teams violating Official Rule 9.5 et seq., regarding the submission of written or other materials to judges shall be penalized fifteen (15) points. This penalty shall not apply to the scores of individual oralists, unless the oralist is directly at fault.

### **13.5.3.3 Scouting**

Teams guilty of scouting shall be penalized all six (6) oral Round Points for the Round. Memorial points for the Round shall be calculated as if no violation occurred. Teams may also be ineligible to advance to the Run-Off, Quarterfinal, Semifinal and Championship Rounds of the Competition.

### **13.5.3.4 Identification of Team by School Name or Nation**

Teams which violate the requirements of anonymity in the courtroom shall be penalized fifteen (15) points.

## **13.6 Discretionary Penalties**

### **13.6.1 General Violations**

The Competition Administrator may assess from three (3) to fifteen (15) 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 and inappropriate behavior on the part of team members or affiliated parties during the Competition. The size of the penalty shall correspond to the degree of the violation in the judgment of the Administrator.

Discretionary penalties shall be initiated and imposed only by the Competition Administrator. Teams are limited to bringing potential violations to the attention of the Administrator in writing.

### **13.6.2.1 Rounds Special Consideration for Ora**

Only judges, or bailiffs, shall be empowered to bring potential violations from the oral proceedings to the attention of the Administrator. Exceptions shall be made in circumstances involving violations which occur prior to or after the actual oral proceeding outside the courtroom where judges or bailiffs would not otherwise be privy to the circumstances, or in situations where the courtroom judges clearly ignore their obligations. In such instances, teams may submit timely written notification of potential violations to the Administrator.

### **13.6.3 Activity Subject to Discretionary Penalties**

#### **13.6.3.1 Unsportsmanlike Behavior by Team Members or Affiliated Persons**

The Administrator may, after consultation with judges and the Executive Director, impose up to a fifteen (15) point penalty against a team for behavior which substantively prejudices the conduct of the Competition, including, but not limited to:

(a) engaging in poor sportsmanship; (b) submitting petty and verbose complaints against other teams; (c) inappropriate behavior at the counsel table during the Oral Rounds; (d) inappropriate discussion with oral pleading judges before their submission of scores at the end of a Round; (e) blatant disregard for the procedures or requirements outlined in the Official Rules of the Competition.

A penalty for unsportsmanlike conduct in the court room must be witnessed by at least the bailiff or one judge in the court room. In all cases, the Administrator shall hear from both teams, the accuser and the accused, and consult with the bailiff, judges, and Executive Director before making a final determination.

Penalties for unsportsmanlike behavior may be imposed in addition to any other penalties which may have been imposed under the provisions of these Official Rules.

#### **13.6.3.2 Activity of Affiliated Persons**

In exceptional circumstances, the Administrator has the discretion to impose from three (3) to fifteen (15) point penalties when a coach, advisor or other person affiliated with the team has disclosed his or her team's identity to one or more judges before whom their team shall compete.

For coaches or advisors who fear being recognized by judges, concerns may be alleviated by avoiding talking to, sitting near or directly behind either team and not communicating with either team in the presence of the judges.

## **13.7 Notice to Teams**

The Administrator shall notify teams of the imposition of such penalties prior to the beginning of the Preliminary Rounds of a Competition.

## **13.8 Appeals**

Any penalized team shall be granted an opportunity to reply to complaints by opposing teams or penalties assessed by the Administrator prior to a final ruling. The Competition Administrator may protect the anonymity of a complaining team. Appeals of a penalty assessment or Rules interpretation of the Administrator shall be provided to the Administrator in writing within one (1) hour of notice of the penalty, and to the Executive Director within

twenty-four (24) hours of the conclusion of the Regional/National Competition. The Executive Director's decision on all penalties is final.

#### **OFFICIAL RULE 14.0 INTERPRETATION OF RULES**

##### **14.1 General**

Questions concerning the interpretation of these Rules or National Rules Supplements during the Regional/National Competitions must be submitted to the Regional/National Administrator. Questions that arise during the International Rounds of the Competition concerning the interpretation of these Official Rules must be submitted to the Executive Director.

Bailiffs, administrative assistants and judges are not authorized to interpret these rules, but they may be consulted as witnesses of alleged violations of these Official Rules.

##### **14.2 De Minimus Rule**

When the impact of an alleged violation of these Official Rules is so insignificant as to be determined by the Administrator to be de minimus, he or she may modify or waive the penalty. Any de minimus exception shall be applied evenly to all teams.

##### **14.3 Power to Promulgate Additional Measures**

The Executive Director may promulgate such other measures as may be deemed advisable for the orderly conduct of the Competition or to correct deficiencies in the Competition. Administrators may, in consultation with and upon approval of the Executive Director, promulgate such other measures as may be deemed advisable for the orderly conduct of the Regional/National Competition. Modifications shall not violate the spirit of these Official Rules or the best interests of the Competition.

#### **OFFICIAL RULE 15.0 AWARDS**

##### **15.1 Memorial Awards**

All memorials in the Jessup Competition become the property of the International Law Students Association, and shall not be republished without its express consent.

###### **15.1.1 Regional/National Competitions**

The winner of the Best Memorial Award in Regional/National Competitions shall be the team with the highest Total Memorial Raw Score. The highest possible score is six hundred (600) points. The winning memorial shall advance to compete in the Hardy C. Dillard Competition.

###### **15.1.1.1 The Hardy C. Dillard Award**

Teams receiving a Best Memorial Award in Regional/National Competition are invited to submit their Applicant and Respondent memorials to the Hardy C. Dillard Award Competition.

Each team eligible for the competition shall send five (5) copies of each of its Applicant and Respondent memorials by the date noted in the Official Timeline. Entries in the Dillard Competition shall be scored by a new panel of three (3) judges. The five (5) best memorials shall be declared winners of the award.

Penalties applied to Memorials in the Preliminary Rounds of Regional, National or International Competitions shall not apply to the Dillard Award Competition.

###### **15.1.2 International Competition**

###### **15.1.2.1 The Alona E. Evans Award**

The Alona E. Evans Award is presented to the five (5) Best Team Memorials from the Preliminary Rounds of the International Rounds of the Competition.

###### **15.1.2.3 The Richard Baxter Award**

The memorials from the five (5) best teams in the Alona E. Evans Competition, and the Hardy C. Dillard Competition shall be entered into the Richard Baxter Award Competition. If a memorial is entered twice as one of the top five (5) memorials in the Dillard and in the Evans Competition, the duplicate memorial from the Hardy C. Dillard Award Competition shall be removed and the next highest-ranking memorial from that Competition shall be entered in its place.

There shall be two (2) Baxter Awards: one (1) for the Best Overall Applicant and one (1) for the Best Overall Respondent. The Best Applicant and Best Respondent memorials shall be declared winners of the award. Baxter

Award-winning memorials shall be published in the corresponding year's issue of the ILSA Journal of International & Comparative Law. Penalties shall not apply in the Baxter Award Competition.

### **15.2 Best Oralist Awards**

The winner of the Best Oralist Award in the Regional, National or International Rounds of the Competition shall be the oralist with the highest averaged score from the Preliminary Rounds.

The determination of the Best Oralist in the Championship Round of a Regional/National or International Competition shall be made by majority vote of the judges. The judges' decision shall be announced at the end of the Championship Round.

### **15.3 Team Awards**

#### **15.3.1 Regional/National Competitions**

Champions of Regional/National Competitions shall be the winning team from the Championship Round of the Competition. The National Champion shall automatically proceed to the International Rounds of the Competition.

Regional/National Runners-up shall be considered the second place team in the Regional or National Competition. If a Regional/National Champion is unable to attend the International Rounds, the Executive Director may recognize the Regional/National Runner-up as the legitimate representative of that Region or Nation.

Other awards may be awarded by the Administrator in accordance with these Official Rules and approved National Rules Supplements.

#### **15.3.2 International Competition**

##### **15.3.2.1 Quarterfinal Rounds - Top Eight Teams**

Teams qualifying for the International Quarterfinal Rounds following the International Run-Off Rounds shall receive an award in recognition of being an International Quarterfinalist.

##### **15.3.2.2 Semifinal Rounds - Top Four Teams**

Teams qualifying for the International Semifinal Rounds shall receive an award in recognition of being an International Semifinalist.

##### **15.3.2.3 World Championship Jessup Cup Round**

The winner of the World Championship Jessup Cup Round will be declared the Jessup Cup World Champion. The second place team in the Championship Round shall be the Jessup Cup World Championship Runner-up.

The Jessup Cup World Championship team will receive two (2) awards: a trophy to keep, and the Jessup Cup to hold in trust for one year at their University. The Championship team shall take full responsibility for the safety of the Jessup Cup while it is in their custody and is responsible for returning the Jessup Cup in polished condition to the Executive Director prior to the next year's International Rounds.

##### **15.3.2.4 Spirit of the Jessup Award**

The Spirit of the Jessup Award was created in 1996 to recognize the team that best exemplifies the Jessup spirit of camaraderie, academic excellence, competitiveness, and appreciation of fellow competitors. The award is voted upon by the Jessup participants themselves and is intended to establish the standard to which all participants should strive to govern their performance and professional demeanor.