

# **PAX Moot Court Rules**

## **The 2019 Jenard Round**

### I. DEFINITIONS AND INTERPRETATIONS

#### 1. Definitions

1.1. The following definitions are used in the Rules:

- “Bench” means private international law experts judging both written pleadings and oral arguments;
- “Case”, “Problem” or “Problem Question” means a hypothetical law problem, which will be pleaded during the Competition;
- “Competition” means the Pax Moot Jenard Round;
- “Court” means the Bench or a part hereof at the Oral Round;
- “Executive Secretary” means the person defined in the Rules;
- “OT” means an organising team to help in the arranging of the Competition under the direction of the Executive Secretary

#### 2. Case

2.1. The case is a hypothetical private international law problem, which is pleaded in front of the Bench during each season’s Competition and which is prepared yearly by private international law experts upon the invitation of the Competition. The Case is published on the website on December 15<sup>th</sup>.

#### 3. Executive Secretary

3.1. The OT will designate an Executive Secretary among its members. The Executive Secretary’s task, other than specified in the following paragraphs, is to ensure that the Competition is carried out in consistency with the overall spirit and aim of the competition and to resolve all matters which would otherwise be detrimental to the organisation of the Competition. In particular, where the Bench is not able to reach a decision, the Executive Secretary will have the final decision, including but not limited to matters of disqualification and calculation of results.

3.2. All decisions of the Executive Secretary are final and not subject to appeal.

### II. THE COMPETITION

#### 4. Structure

4.1. The Competition consists of two phases:

- a written phase, in which all teams shall prepare written pleadings for both the claimant and the defendant;
- and an oral phase, in which the teams who are selected on the basis of their written pleadings, shall defend their argumentation before the Court, pleading for both, the claimant and the defendant.

#### 5. Language

5.1. English is the official language throughout the Competition. Participants must use exclusively English in the written and oral phases of the competition.



### III. PARTICIPATION

#### 6. Admission of teams

6.1. There shall only be one team per university.

6.2. Only students from a university or law faculty enrolled in undergraduate or master programmes, without already having obtained a bar qualification, are allowed to participate.

6.3. The team shall consist of four law students and they must be enrolled in the same university or law faculty. Students being on exchange in another country are eligible to participate as team members of the host university. The teams shall submit their team composition via the registration form available at the Competition's website.

6.4. Any change in the composition of a team is only permitted after approval by the Executive Secretary.

6.5. Each team may have a team coach. A team coach may only assist in general discussions concerning the Case, general points of law, research techniques, linguistic matters or presentational skills and no substantive advice. The team coach is not allowed to actively take part in the oral pleadings once the competition has begun officially. Teams that are deemed to have breached this rule, will be disqualified with immediate effect by the Executive Secretary.

6.6. Team Members and Team Coaches are not allowed to communicate with the Bench about Competition related matters throughout the competition.

#### 7. Fees

7.1. The registration fee is € 200 per team. The fee does not include travel and/or accommodation costs.

7.2. Payment options will be available on the Competition's website

7.3. A team is considered as a participating team after the Executive Secretary has timely received the official registration confirmation and the fees.

7.4. An official list of participating teams will be published after the registration is closed.

### IV. OVERRIDING PRINCIPLES

#### 8. Sportsmanship

8.1. The participants must conduct themselves in a sportsmanlike manner at all stages of the Competition.

#### 9. Anonymity

9.1. Strict anonymity of the teams is required during the written submission phase. Each team will be assigned an alias when submitting the written memorial. The alias will be dispatched to the team immediately upon receipt by the Executive Secretary of the Official Registration Sheet and confirmation of the payment of the participation fee.

9.2. During the competition, teams shall not refer to their opponent, whether personally or as a group, explicitly by their personal identify. Instead they are encouraged to use official references such as "the applicant", and "the respondent".



## 10. External Assistance

10.1. During the preparation of the case, external assistance, including that from a faculty member or a coach or similar, shall be limited to a general discussion of issues, suggestions as to research resources and linguistic help.

10.2. External assistance that would interfere with the final submission of pleading, which must be an effort of the team only, is strictly prohibited and will be severely penalised upon determination by the Executive Secretary.

10.3. Once the Competition has begun, the coaches shall act as member of the Bench and thus shall refrain from assisting their team other than in purely administrative areas.

10.4. The sharing of another team's substantial arguments is especially prohibited and may result in severe point deductions or disqualification as the discretion of the Executive Secretary.

## V. TIMELINE OF COMPLETION

### 12. Timeline

12.1. The detailed timeline of the Competition shall be published shortly after the case materials.

12.2. The timeline as published on the website is presumed to be final, any further modifications shall be given at least 2 weeks in advance.

### 13. Clarifications

13.1. Each team may submit clarification questions for 60 days after the case is published, after which no more questions may be submitted unless a reasonable justification can be provided.

13.2. The Bench shall issue a single clarification after all of the questions have been submitted, and any further clarifications shall be decided on a case by case basis.

13.3. Requests for clarifications must be sent to the Competition's official email account: [info@paxmoot.com](mailto:info@paxmoot.com) under the title "Request for Clarification – (Team Alias)"

## VI. WRITTEN PHASE

### 14. The Memorials

14.1. Every team must hand in two written memorials, one on behalf of the claimant and one on behalf of the defendant. The written pleading on behalf of the defendant should hypothetically be responding to the team's own claimant case, hence it is advised to finalize the written memorial on behalf of the claimant first.

#### 14.2. The form:

- Colour of the external cover background shall be red for the claimant and blue for the defendant;
- Each written memorial shall be typewritten on A4 paper sheets, the font is Times New Roman, the type face is 1,5 spaced (interlinear space), 12pt font size, 3 cm margin top and bottom, 2 cm margin each side; kerning is not allowed;
- Pages of the written memorials shall be numbered concurrently at the bottom of each page;
- Footnotes shall be numbered concurrently at the bottom of the page, presented in SCOLA format;
- Written pleadings shall be submitted in the PDF format.

14.4. The page limit of both written memorials shall be minimum 8 and maximum 12 pages in total, title page excluded. The statement of the facts shall not exceed one page each. The memorial may end with the succinct exposition of the submissions of the party concerned (*petitum*)

14.5. The identity of the teams beyond the alias assigned upon registration shall not be revealed to the members of the Bench.



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#### 14.6. Infractions

14.6.1. Infractions of the instructions regarding the written pleadings may result in penalties, that is loss of points and a possible disqualification. Minor infractions of the Rules may be ignored. The following infractions may give rise to one of the following penalties:

14.6.2. Exceeding the stipulated length of written pleading. An argument section exceeding stipulated length will result in:

- One page exceeding = minus 2 points.
- Two pages exceeding = minus 4 points.
- Three pages exceeding = compulsory disqualification.

14.6.3. Non-conformity with formalities, such as interlinear space (per page), margins, etc. will result in a 2 point reduction of the written submission at the discretion of the judge

14.6.4 In the case of minor infractions judges may send the written memorial back with comments.

#### 15. Submission

15.1. The teams must submit the written memorial through the official channel provided on the competition's website.

15.2. No team may revise, substitute, add to, delete or in any other manner alter its written memorials after submission.

15.3. Delayed submission of the written memorials. The date of submission will be the date of sending the written memorials to the Executive Secretary. The deadline for the submission of the written Pleadings can be found on the website. A delayed submission will result in:

- One hour late = minus 1 point.
- Any delay after that = minus 5 points.
- One day late = compulsory disqualification.

#### 16. The Judging of the Memorials

16.1. The memorials for the Competition shall be judged by the Bench.

16.2. Each memorial shall be judged individually by two (2) members of the Bench, acting independently of one another.

##### 16.3. Memorial Scoring Structure

a. Scores are awarded out of a maximum of 25 points.

b. Scores are awarded for:

1. Organization, structure, and analysis of the issues: 5 points.
2. Use of facts and legal principles: 5 points.
3. Use of authorities and citations: 5 points.
4. Persuasiveness, ingenuity, logic and reasoning: 5 points.
5. Grammar, style, and clarity: 5 points.

c. Score sheets will be emailed to each team upon the completion of the Competition.

16.4. During a pleading, in case of any flagrant violation of the Rules or other behaviour detrimental to the integrity of the proceedings, the Court may report a team or one of its members to the Executive Secretary for disqualification.

16.5. The final score for a memorial shall be the average points awarded by all members of the Bench minus any penalty points. The maximum number of points that a team can score for the memorials is twenty-five (25).



## VII. ORAL ROUND

### 18. The Oral Arguments

18.1. Each team shall prepare an oral argument for the Applicant and an oral argument for the Respondent. The oral arguments shall be presented in English. During the general rounds each team shall present an oral argument in four (4) of the sessions of the general rounds: twice as Applicant and twice as Respondent. Per session of the preliminary rounds, two team members shall present the team's oral argument for the Applicant or for the Respondent.

18.2. Each oral round the teams shall be assigned a side (e.g. applicant, respondent) to represent. This will be randomly assignment but made to assure that teams will represent each side twice over the entire general round.

18.3. Teams are expected to plead primarily on private international law issues. Specific instructions shall be provided within the case.

18.4. Each round shall be conducted in two segments, in alternating order between the two teams (Applicant, Respondent, Applicant, Respondent). New arguments are allowed to be presented in the second segment.

18.5. Per segment each team shall be allowed a total of fifteen (15) minutes to present its oral arguments, including the time needed to answer any questions which may be put to it by the Court and including the time for the rebuttal or surrebuttal. No more than two (2) minutes of this time shall be reserved for rebuttal or surrebuttal.

18.6. At the end of each segment, the opposing team may pose questions (maximum 2) to the pleading team. This period is to be kept under five (5) minutes each and shall be moderated by the Court.

18.7. Participants are encouraged to stay within the time limit as much as possible, the Court will not credit any arguments made after the time limit. Extension of team time beyond fifteen (15) minutes, shall be within the discretion of the Court, but shall in no case exceed five (5) minutes per segment beyond the total time allocated for presentation.

18.8. During the preliminary rounds' oral arguments, all team members shall be present in the sessions in which their team is pleading. Teams shall be seated behind their table at the time indicated for the start of the session. None of the team members, coaches of the team, or persons officially affiliated with the team shall be allowed to attend any other sessions.

18.9. The scope of a Counsel's pleadings is not limited to the scope of his/her submitted memorial. The scope of the Applicant's rebuttal is limited to the scope of the Respondent's pleadings proper and the scope of the Respondent's rebuttal is limited to the scope of the Applicant's rebuttal. Failure to keep within these limitations shall be taken into account by the Court judging the session.

18.10. No oral or written communication may take place between the team table or the counsel and their accompanying staff members or any member of the public during the session in which that team presents its oral argument, or rebuttal. This does not, however, preclude counsel from taking a treaty or similar document from the team table when the counsel has been questioned about such a document.

### 19. Time Keeping

19.1. The Timekeeper shall indicate (signs 5, 1, 0) the last minutes of the time allocated to the speaker and will inform the Court when the available time has expired. The Court, taking notice of the Timekeeper's advice, then decides whether additional time will be allocated, and if so, how much. This must be done with a due regard to maintaining a fair competition.

19.2. The Timekeeper shall also be in charge of checking a team's order of arguments, order of oralists and speaking time of each oralist.



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## 20. The Judging of the Oral Arguments

20.1. The oral arguments shall be judged by a Court consisting of three Judges, with a minimum of two Judges.

20.2. Scores are rewarded out of a maximum of 25 points per speaker. Scores are allocated as follows:

1. Organization, structure, and analysis of the issues: (5 points)
2. Use of facts and legal principles: (5 points)
3. Use of authorities and citations: (5 points)
3. Persuasiveness, ingenuity, logic and reasoning: (5 points)
4. Presentation: (5 points)

20.3. At the end of each round, the team with the higher total score shall be the winner of that round, in case of a tie in points between two teams, the Court shall have discretion to select a winning team.

20.4. After the general rounds in which each team pleaded 4 times according to article 18.1 of the Rules, 4 teams with the highest number of overall wins (on a maximum of 4 wins) shall be selected to participate in the semi-final round. The winners of each semi-final shall then proceed to participate in the final round.

In case of a tie in the number of overall wins between teams, the team with the highest number of total speaker scores shall be selected, and in case of a tie in total speaker scores, the team with the highest score on their written memorials shall be selected. Ultimately teams shall be selected through a coin flip.

## VIII. AWARDS

### 21. Certificate of Participation

21.1. Every participating team will be issued a Certificate of Participation.

### 22. Best Written Pleadings Award

22.1. The winner of the Best Written Pleadings Award shall be the team having received the highest scores for their written memorial.

### 23. Best Oralist Award

23.1. The Bench may award a Best Oralist of the Preliminary Round award. The winner of this award shall be the person acting as either claimant or defendant with the highest average individual score in the preliminary round.

23.2. To be considered for this award, a speaker must argue in at least two pleadings and for at least twelve minutes per pleading, throughout the Competition.

### 24. Winning Team

24.1. The Winning Team shall be the winning team of the final round. The Winning Team shall receive an award, further information about the award shall be published each year before the competition.

