

# The Carey Moot Court Competition

## Official Rules of the Competition

### 1. Organization and Structure of the Competition, Disclaimer

1. The Carey Moot Court Competition (hereinafter "Competition") is organized by Anglo-American University (AAU). The Competition focuses on International and European human rights law.

2. The language of the competition is English. Interpreters will not be provided.

3. The Competition is structured into two rounds. The first consists of the submission of Memorials and the second round, which is further divided into sub-rounds, consist of oral argumentation. Further information may be found in Sections 8 and 9 of the Rules.

4. The Competition is organized by the "The Carey Moot Court Executive Committee" (hereinafter the "Committee") appointed by the AAU John H. Carey II School of Law..

5. The Committee determines the maximal number of participating teams, the manner in which these teams are chosen, and the financial conditions of participation.

6. The Committee determines the Competition's topic as well as the judges' materials and guidelines for assessment and issues of law to test participants upon (hereinafter Bench Memorandum).

7. The Committee and those appointed by the Committee under the Committee's supervision are in charge of the day-to-day organization of the Competition.

8. The Committee shall serve as final arbiter of implementation and interpretation of these rules and any addenda thereto.

9. The Committee is entitled to adopt any additional rules that may be necessary to safeguard each year's Competition's smooth organization and realization.

10. The Committee publishes annually the timeline, registration fees, schedule, and topic questions in both written communication and over the internet at [www.mootcourt.aauuni.edu](http://www.mootcourt.aauuni.edu). Those wishing to register for the Competition undertake to pay the registration fee pursuant to the instructions for that year and also further undertake to follow these rules. In case of breach of these undertakings, the Committee may decide upon such participants' disqualification without reimbursement for previously contributed fees. Any additional rules adopted by the

Committee to safeguard the Competition's smooth organization and realization will be published on web-page identified in the first sentence of this paragraph.

11. Any documents developed by the Committee, as well as any submissions and memoranda presented by participants of the Competition are the exclusive property of AAU and may not be published, distributed or made available to third parties by anyone without the prior written consent of AAU.

## **2. Team Eligibility and Standard of Conduct**

1. Undergraduate students of any accredited law schools, law faculties or law programmes providing education towards a qualifying degree in law or a hybrid degree in law and international relations or law and public administration, as well as non-law undergraduate students pursuing a degree related to law, such as criminal justice or pre-law, are eligible to participate. Students of law schools with qualifying law degrees are only admitted as participating members provided that at the time of registration they are undergraduate students enrolled no later than in the 5<sup>th</sup> semester of their studies if enrolled on a full time basis, and the 7<sup>th</sup> semester of their studies if enrolled on a part-time basis. All determinations of eligibility are at the discretion of the Committee. If there is uncertainty as to eligibility, or related questions, please contact [mootcourt@aauni.edu](mailto:mootcourt@aauni.edu).

2. For the purpose of this section, an undergraduate programme is also one that may lead to a master's degree as long as the respective jurisdiction has determined such duration is the minimal amount of time required for the first degree in law. For the purpose of this rule, an undergraduate programme is also one that requires a previous university degree for enrolment but is the first programme in law needed in the respective jurisdiction to practice law.

3. Each school may enter one team. For the purpose of this rule, any teaching institution providing tutoring for the University of London counts as an individual school. In extenuating circumstances a duly authorized officer of the school may petition in writing for multiple teams from one school. This request is only appropriate if the teams represent different colleges, faculties, branches, departments or campuses of the same school and will be preparing and participating independently of each other.

4. A team may be composed of 2 to 4 participating members who shall be the only individuals contributing work product to the team over the course of the competition year.

5. Each team must research, write, edit, and develop its own arguments (both legal and factual) without assistance of third parties. Team coach assistance beyond general theoretical and administrative guidance is not permitted.

6. Teams must remain anonymous until the end of the final sub-round vis-à-vis the judges. The Committee may disqualify or impose a penalty against any team that should breach this rule.

### **3. Team Selection Process**

1. Team members may be chosen by any method approved by the responsible authority within the school with the following provision:

- a. If a school wishes to hold an intramural competition to determine the composition of its Team, the current Compromis may not be used.
- b. Administrators may not use nationality as a requirement for eligibility for team membership without having obtained written consent from the Executive Director. Any request to use nationality as a basis for exclusion must state clearly the reasons for such a requirement.

### **4. Assistance to Teams**

1. Each team must research, edit, and develop its own legal and factual arguments without the assistance of persons who have not been identified as members of the Team.

2. Any team who receives outside assistance may be disqualified from the Competition.

3. Teams shall have no greater number of Team Advisors than is necessary to adequately prepare for the competition. Team Advisors may provide advice to teams provided the advice is limited to:

- a. general instruction on the basic principles of law;
- b. general advice on research sources and methods;
- c. general advice on memorial writing techniques;
- d. general advice on oral advocacy techniques;
- e. general advice on the organization and structure of arguments in the Team's written and oral pleadings;
- f. general commentary on the quality of the Team's legal and factual arguments; and
- g. advice on the interpretation and potential application of these Rules.

4. Team Members or Team Advisors from any Team may not provide assistance in any way to any other Team. Prohibited actions include but are not limited to: sharing Team notes or Memorials; posting Team notes or Memorials online in such a manner that non-registered Team participants have access to the material; engaging in practice Moot sessions with another Team; providing recordings of practice session(s).

5. Team members and coaches who are not competing in a particular round will not be permitted to watch the preliminary oral rounds, but may view the semi-final and final rounds.

## **5. Practice Rounds**

1. Within a team practice rounds may be organized using the competition Problem in order to prepare for the competition. All participants involved in presenting arguments must be members of the same team. The Team Advisor may participate as a judge provided the advice offered does not exceed the permissible level of advice according to Section 4.

2. Any External Judge that may be utilized for the purpose of a practice round is limited to a ruling and may not provide either group or individual feedback or any other prohibited advice.

## **6. Problem Clarification and Corrections**

1. In accordance with the established timeline Teams may request clarification and corrections to the Compromis by submitting a written request to [mootcourt@aauni.edu](mailto:mootcourt@aauni.edu) by May 1, 2018. A comprehensive response will be released no later than May 15, 2018.

## **7. Anonymity of Teams**

1. Teams will be assigned identification numbers to be used exclusively for identification purposes. Teams must not reveal their school or country of origin at any time during the competition. Teams who do so, whether intentionally or inadvertently, may be disqualified or otherwise penalised whether or not such disclosure occurs during an Oral Round.

## **8. Paper Submissions**

1. Each team will write Memorials as legal counsel for the Applicant and the Respondent.

2. Memorials must be written in the approved format with proper citations: 12-point Times New Roman font, double-spaced, with 2.5 cm margins on each side, and formatted for A4 paper. Quotations, footnotes, and citations may be single-spaced. Teams shall print their team identification numbers in the upper right corner of the cover page of its Memorials, and on each page. Teams are not allowed to identify themselves by school, national origin, or team members anywhere within the Memorials as they are to remain anonymous.

3. Citations should conform to accepted formats including OSCLA, Blue Book, MLA, APA, or Harvard citation styles.

4. All parts of each Memorial must be contained in a single file.

5. The Memorial must contain the following parts:

- a. Cover Page;
- b. Table of Contents;
- c. Index of Authorities;
- d. Statement of Jurisdiction;
- e. Questions Presented;
- f. Statement of Facts;
- g. Summary of Pleadings; and
- h. Pleadings (including Conclusion/Prayer for Relief).

6. The front cover of each Memorial must have the following information:

- a. the Team Number in the upper right-hand corner followed by "A" if an Applicant Memorial or "R" if a Respondent Memorial (e.g., Team Number 123 would put "123A" in the top right hand corner of the front cover of its Applicant Memorial);
- b. the name of the court (i.e., "European Court of Justice");
- c. the year of the Competition (the year during which the relevant Oral Rounds take place);
- d. the name of the case; and
- e. the title of the document (i.e., "Memorial for Respondent" or "Memorial for Applicant").

7. Judges will issue a score between 50-100, evaluating the Memorial on clarity, use of legal sources, knowledge. A score sheet will be made available at [mootcourt.aauni.edu](http://mootcourt.aauni.edu) for teams to review the criteria.

8. Memorials must be submitted electronically by June 1, 2018. The Memorial for each party must be submitted as one complete file. Five (5) physical copies of the memorial must be submitted for distribution to the judges; these must be postmarked no later than June 2, 2018, and be identical to the electronic submission. Exceptions can be made for teams competing remotely via electronic communication. Contact [mootcourt@aauni.edu](mailto:mootcourt@aauni.edu) to request an exception.

9. Once a team submits their Memorials they are no longer allowed to make revisions. They can however add to their source material for the oral rounds and introduce them as new arguments. Should a team add material for their oral rounds they must submit a book with the new documentation no later than 8 days prior to the event in both electronic and paper format. Such material may only consist of research and may not contain original team authored work. Five (5) physical copies must be submitted.

10. Memorial submissions beyond the due date may be read but will not be evaluated for competition or feedback. Late submissions will be accepted up to 7 days prior to the Competition. Submissions submitted after such date will result in disqualification.

11. Plagiarism is not permitted. Plagiarism is the appropriation of the work of another and passing them off as original work, through exact duplication or using substantial portions without referencing the original author. Allegations of plagiarism must be submitted by the opposing team within five (5) minutes of the end of the round in issue.

12. After investigation and review, if plagiarism is verified the Administrator may deduct points in relation to the degree of violation.

## **9. Oral Rounds**

1. The pairings for the preliminary oral rounds are randomly selected and each team will argue both sides of the case.

2. Efforts will be made so that the same teams do not face each other more than once in the preliminary rounds.

3. The semi-final round will be for third and fourth-best ranking teams, and the final round will be for the top two scoring teams.

4. Judges will be introduced at the beginning of each round so competitors may address them correctly. Oralists and judges may communicate with each other during the allotted time.

5. Each team may reserve 45 minutes, including rebuttals. The timekeeper will signal at the ten, five, two-minute and thirty-second marks to keep competitors on track. A team may not reserve more than 25 minutes to either oralist. Each team may reserve up to 10 minutes for rebuttal or surrebuttal.

6. Competitors may request more time from the judges. It is up to the judges' discretion whether or not to allow more time to speak.

7. The order of pleadings is as follows: Applicant 1, Applicant 2, Respondent 1, Respondent 2, Rebuttal, Surrebuttal. Teams may waive their rebuttal or surrebuttal if they so wish.

8. A team's scope of pleadings is not limited by their Memorial. The scope of the Applicant's rebuttal is limited to responding to the Respondent's primary oral pleadings, and the scope of the Respondent's surrebuttal is limited to responding to the Applicant's rebuttal. If the Applicant waives rebuttal, Respondent may not appear for surrebuttal.

9. If a team fails to appear for a scheduled Oral Round, after waiting 10 minutes, the Administrator may choose to hold an ex parte proceeding in which the present Team presents its oral pleadings, which are scored by the judges to the extent possible. The Team that failed to appear for the round forfeits all of that round's points. If only one member of the absent Team is present they will be allowed to plead and receive an individual score for the purpose of calculating individual Oral Round scores, even though their team forfeits all Oral Round points.

10. During each Oral Round one additional team member may be seated with the two oralists as counsel. The person acting as counsel need not be the same in each round.

11. Communication at the counsel table between Team Members may only be in writing to prevent disruption.

12. Oral Rounds will be taped, but not for personal usage. Personal videotaping or audio taping is prohibited.

13. During an Oral Round, participants may not indicate their country or school of origin to the judges or bailiff. Participants must not reveal their school or country of origin through direct or indirect means, including statements to judges, name tags or other signifiers.

14. Judges must evaluate Teams based on their performance and not on the merits of the case.

15. Individual oralists shall be ranked from highest to lowest average oral score. An oralist's average oral score is the average of the scores awarded to that oralist by each judge during the oral rounds, except the single lowest score awarded to the oralist. If an oralist argued in only one round, he or she is not eligible for ranking.

16. If a team believes that there has been plagiarism during an oral round then they may notify the Bailiff in writing within five minutes of the end of the round. The Administrator may impose an oral round penalty if she or he is satisfied that an event subject to such a penalty has occurred.

17. Teams may participate remotely via electronic communication under certain circumstances. If this is necessary, please make such a request no later than 14 days before the event to: [mootcourt@aauni.edu](mailto:mootcourt@aauni.edu).

- a. The same rules will apply to Teams competing remotely.
- b. It is up to the remotely competing Team to ensure that their technology, both sound and video, is working correctly.

## **10. Reporting Results**

1. After the conclusion of the competition each team shall receive
  - a. a copy of individual Memorial judges' scoresheets with attendant comments, if any;
  - b. a copy of individual oral judges' scoresheets and Penalties, if any, with attendant comments, if any, from Oral Rounds of the competition;
  - c. a copy of the Overall Rankings of the Oral Rounds;
  - d. a copy of the Overall Rankings of the Memorials.

## **11. Non-Conforming Submissions**

1. Submissions that do not conform to the approved format will be penalized and have points docked from their overall score.
2. The approved format for written Memorials is outlined in Section 8.

## **12. Internet and Printing Access**

1. Students will have access to Internet and printing facilities at the competition, but not in the competition room.
2. The use of computers, tablets, smart phones, or any such device in the competition room is impermissible, and a breach of that rule will result in disqualification. Disqualification may be from the round or from the competition as whole, at the Committee's discretion.

## **13. Appeals**

1. A team may appeal a decision to dock points for formatting provided:
  - a. both electronic and physical Memorials were received and stamped in accordance with the deadline;
  - b. the electronic version of the Memorial was received and able to be viewed in a manner that showed complete compliance with the specified format; and
  - c. the divergence in the physical copies is minor and is attributable to machine error during the printing and assembly process rather than a structural error.
2. A team may appeal disqualification provided that the underlying basis for disqualification is in factual dispute.

3. A team may not appeal an oral performance evaluation.
4. A team may appeal ranking placement only if there is a mathematical error.
5. All appeals must be submitted to the Committee in writing within 30 minutes of notification.
6. Should a team attempt to initiate an appeal outside of these established parameters, base their appeal upon frivolous grounds, and/or initiate an appeal so as to delay proceedings, they may be subject to a team penalty. Such a penalty will be determined by the Committee and may not be appealed.

#### **14. Scoring and Awards**

1. Scoring and evaluations will be undertaken by a panel of three judges.
2. Memorials will be evaluated as a team. Scores will be compiled and averaged to comprise one team score. Any awards related to Memorials will be determined by this score.
3. In the preliminary oral rounds scores will be issued for the individual speakers. Individual scores will be averaged for individual rankings. The individual averages will then be added to the Memorial score for an aggregate number. The top four teams in the preliminary round will proceed to the semi-final round (third and fourth ranked teams) and the final round (first and second ranked teams).
4. In the semi-final and final rounds teams will be evaluated strictly upon their oral presentations. Scores will be generated for the individual speakers and the aggregate number will determine placement. Any awards based upon team oral performance will be determined by this score.
5. Following the conclusion of the final round the individual scores will again be averaged with all participants reviewed. Any individual awards based upon oral performance will be determined by this award.
6. The Judges may issue other awards other awards at their discretion. Discretionary awards may not be appealed.