

**2023 INTER-AMERICAN HUMAN RIGHTS  
MOOT COURT COMPETITION**

**OFFICIAL RULES**

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## **RULE 1: ORGANIZATION OF THE COMPETITION**

### **1.1 General**

This moot court competition (“Competition”), established to advance and promote human rights legal education around the world, is based on the Inter-American System for the Protection of Human Rights and the legal obligations contemplated in the American Convention on Human Rights and the American Declaration on the Rights and Duties of Man. Based on a hypothetical case supplied by the organizers of the Competition, participants will present a written memorial and participate in Oral Argument Sessions before a panel of Judges.

### **1.2 Date and Location of the Competition**

The Oral Argument Sessions for each year's Competition shall be held in Washington, DC at the date determined by the Technical Committee. Traditionally, the Competition is held in late May. The Technical Committee reserves the right to determine another location or time.

### **1.3 Technical Committee**

The Technical Committee is composed of members of the faculty, staff, and administration of American University Washington College of Law (WCL), or other designated experts, nominated by WCL's Academy on Human Rights and Humanitarian Law. The Technical Committee is responsible for implementation of this Competition and the enforcement of the Official Rules. The Technical Committee will make its own rules and procedures.

### **1.4 Competition Calendar**

Each year the Technical Committee will establish a Competition Calendar (“Calendar”) to be distributed prior to the registration of the Teams, which will establish the deadlines for the Competition. The Competition Calendar is attached to these Official Rules as Appendix A.

### **1.5 Competition Fees**

The Competition Fees for Participating Teams and Observers will be determined by the Technical Committee. The fees for the current year are listed in Appendix B.

### **1.6 Visa**

It is the sole responsibility of each Competition participant to ensure they have the necessary visa for travel to the United States, if travelling from abroad. **The visa that is required for participation in the Competition is that of a tourist (not student).** The Competition staff will provide a letter for participants to attach to their visa application, but this is not a guarantee the visa will be issued, nor is it a letter of sponsorship. These letters will be provided automatically to any participant who is fully registered. Each participant must follow the regulations of the U.S. Consulate in the appropriate

location.

## **RULE 2: PARTICIPATION AND ELIGIBILITY**

### **2.1 Team Composition**

A Participant Team shall be composed of two (2) student members from a single school and one (1) or two (2) Coach(es); only one (1) Team shall represent each University.

#### **2.1.1 Exceptions to One Team per University**

In exceptional circumstances, a university may send multiple Teams to the Competition, so long as the Teams are from different campuses and are otherwise eligible to participate in the Competition pursuant to Rule 2.4.

### **2.2 Participant Teams**

To preserve the integrity of the Competition, the number of Teams to participate each year will be determined by the Technical Committee. The Technical Committee reserves the right to restrict the number of Participant Teams. If the number of Teams registering for the Competition exceeds the maximum number of Teams allowed by the Technical Committee, the Technical Committee reserves the right to select which Teams will compete to ensure the diversity of the Competition. Geographical location, payment of registration fees, participation history in the Competition, and any partnerships with the Academy on Human Rights and Humanitarian Law will be considered when selecting participants. Fees will be returned in full to Teams that are not permitted to participate because of space limitations.

### **2.3 Team Selection**

The selection process at each participating school should allow equal opportunity for all qualified students to compete for the moot court Team. Teams should be selected in a fair, transparent, and competitive manner.

### **2.4 Eligible Law Schools**

All ABA-accredited law schools from the United States of America and all international law schools shall be eligible to participate in the Competition. Competitors from non-law schools may not participate in the Competition.

### **2.5 Team Member Eligibility**

Only students enrolled in a program of study equivalent to the U.S. Juris Doctor (JD) degree are eligible to participate as Competitors. Competitors may only take part in one edition of the

Competition as Competitors (see Definitions).

Teams may include the participation of one (1) or two (2) Coaches. Coaches may be former Competitors, faculty members, or otherwise affiliated with the University. The registration of the first Coach is included in the registration fee; a second Coach may register for an additional cost (see appendix B for exact fee). Teams may not have more than two (2) Coaches. While Team Competitors must attend the oral rounds of the Competition, the Coach's presence – while encouraged - is not mandatory.

### **2.5.1 Student Status**

Only law students who have not completed studies, exams, or apprenticeships sufficient to enable them to practice law in their respective jurisdiction will be allowed to participate, with the exception of Rule 2.6. Verification of a participant's status as a student may be required for registration and all requested documentation must then be submitted to the Technical Committee before participation will be allowed.

### **2.5.2 LL.M. Students**

Students enrolled in a program leading to a U.S. Master of Laws degree (LL.M.) or its international equivalent cannot participate in the Competition unless they are eligible for participation under Rule 2.5.1 and the spirit thereof. All questions of eligibility should be directed to the Technical Committee and clarified prior to Team registration.

### **2.6 Special Circumstances: Externships and Apprenticeships**

Students enrolled in an externship or apprenticeship are encouraged to participate in the Competition unless such activity would provide the student with a significant or unfair advantage over other students participating in the Competition (e.g., an externship at the Organization of American States or one of its constituent bodies). However, other types of activities not directly related to the nature of the Competition do not bar students from participating in the Competition. If students are unsure about the impact of their externship or apprenticeship on their ability to participate in the Competition, they may email the Technical Committee at [iamoot@wcl.american.edu](mailto:iamoot@wcl.american.edu) with any questions. The Technical Committee can determine what is an unfair advantage in a case-by-case basis.

### **2.7 Work Done by Team Members**

All work completed with respect to the Competition, including but not limited to the research, writing and editing of the Memorial, the structure and design of the oral argument presentations, and the Oral Argument Sessions during the Competition, shall be completed solely by the two (2) registered Competitors. **At no point should the Coach edit or modify the Memorial document. The document should be accessed solely by the two (2) Team Members.** Any allegation of violation of this rule will be reviewed by the Technical Committee. The Technical Committee may, at its sole

discretion, impose a point penalty on the Team, as it deems appropriate, or disqualify the Team from the Competition if the allegation is found to be true.

### **2.7.1 Outside Assistance to Team Members**

Assistance from faculty and Coaches must be limited to general discussion of the issues, suggestions as to research sources, consultations regarding oral advocacy technique, Memorial organization and structure, and oral advocacy training. Advice or input on which specific issues to raise, sub-arguments, and other substantive matters is strictly prohibited.

In the case that essential case law is not available in the Team's native language; Teams may seek outside assistance to translate English, Spanish, or Portuguese documents into their native language for the purpose of research.

### **2.7.2 Pending Cases**

Participants cannot use memoranda, briefs and other documents related to cases pending before the Inter-American Court of Human Rights or Inter-American Commission on Human Rights, or any other international adjudicatory body. Only publicly available sources are acceptable.

## **2.8 Team Member Substitution**

Team Members cannot be substituted except in exceptional circumstances. Participant Teams must submit a written notice to the Technical Committee, explaining the exceptional circumstance and the need to replace a Team Member. If a Team Member is substituted without the required authorization of the Technical Committee, the Team may be disqualified from competing in the Competition and all Team Members converted to Observer status. Teams are responsible for registering the substituted member prior to the Competition through the online system.

## **RULE 3: TEAM REGISTRATION**

### **3.1 Team Registration and Fee**

Each Participant Team must complete in full the online registration form, upload the Dean's Authorization Form to their registration account, and pay the required fee to the Technical Committee prior to the Registration Deadline as noted on the Competition Calendar. Upon registration and receipt of the Dean's Authorization Form and fee, Participant Teams will be assigned their Role and a Team Number, which will be used to identify the Team throughout the Competition. (See Rule 8.1) Only in exceptional circumstances will the Role assignments be issued without prior receipt of the registration fee. A Team is only considered registered once it receives its Team Number and Role assignment.

Initially, Teams will be able to register without providing the names of the Competitors that will participate in the Competition. Nevertheless, the deadline to submit Competitors' names shall be on the same date as the deadline to register Teams for the Competition according to the Competition Calendar.

In any case, according to Rule 7.3 of these Rules, those Teams that do not register the names of the Competitors by the deadline shall not be able to submit clarification questions concerning the hypothetical case.

### **3.1.1 Team Language**

As part of the registration process, Teams must choose the language in which they will participate (English, Spanish or Portuguese). Teams must stay within their chosen language for all parts of the Competition, including the written Memorial and all oral rounds.

### **3.1.2 Fee for Current Year**

The Team fee for the current Competition is listed in Appendix B. This fee covers the cost of two (2) Competitors and one (1) Coach. If the Team sends a second Coach, the fee will increase by an additional amount (see Appendix B). Teams, observers, and coaches are responsible for paying the wire fees should they choose to pay by bank transfer. If their payment arrives with less than the required amount due to wire transfer fees, the individual or university will be required to pay the difference upon arrival at the Competition.

### **3.1.3 Non-Refundability of Team Registration Fee**

No refunds will be issued once a school pays the Team Registration Fee, except in exceptional circumstances and as outlined in Rule 2.2.

### **3.2 Team Notification**

Participating Teams must include valid email addresses for all participants on the Registration Form for all Team notifications. Notice to any email address in a team's registration account shall constitute notice to all Team Members.

### **3.3 Assignment of Role and Team Number**

### **3.4 Health Insurance**

All Participant Competitors, Coaches, Judges, Bailiffs and Observers must possess proof of adequate medical insurance to cover any emergency that may arise, as well as insurance to cover the cost of transportation home, should it become necessary. American University will not provide medical insurance to Competition Participants.



Competition. Such a determination will be made at the sole discretion of the Technical Committee.

### **5.1.1. Selection Criteria**

Judges must have at least one (1) year of post-graduation experience in the human rights and/or legal fields to qualify as Competition Judges. This requirement may be waived for former Competition participants or in cases where applicants have more than one (1) year of relevant experience, despite having graduated less than one (1) year prior to the Competition. All decisions and exceptions will be made at the sole discretion of the Technical Committee.

### **5.2 Confidentiality**

Judges have a duty not to disclose confidential information about the Problem, the Bench Memorandum or other Competition documents. Judges also have a duty to keep confidential their scoring deliberations.

If a Judge is found to be sharing the Bench Memorandum with members of Participant Teams, both the Judge and the University of the Participants who saw the Bench Memorandum shall be excluded from the competition for that year. The Technical Committee will determine the appropriate penalty depending on the severity of the offense.

### **5.3 Disclosure of Association Outside of Competition (Conflict of Interest)**

Judges have a duty to disclose any association they have with any participating university or individual at the Competition prior to grading Memorials or judging Oral Argument Sessions. Judges are not allowed to grade the Memorials or Oral Argument Sessions of their alma mater unless previoc22.02 -1revioc53n

### **5.4.1 Observation of Rounds**

Unless expressly stated otherwise by a member of the Technical Committee, Judges should recuse themselves if they are scheduled to judge the round of a Team they have observed in a previous round.

**Due to this rule, judges are discouraged from observing rounds they are not scheduled to judge.**

### **5.5 Number of Judges**

The number of Judges assigned to evaluate each Memorial and oral round will be determined by the rules below.

#### **5.5.1 Memorials**

All Memorials shall be graded by a minimum of three (3) Judges. More than three (3) Judges may score a Memorial at the discretion of the Technical Committee.

If the Judge panel for a Memorial is comprised of five (5) or more Judges, the scoring of the round shall be calculated by eliminating the highest and lowest scores and averaging the remaining scores.

#### **5.5.2 Oral Rounds**

During all Oral Rounds, a panel of at least three (3) Judges shall score the Oral Argument Sessions whenever possible, subject to the exceptions provided by these Rules or by the Technical Committee. More than three (3) Judges may be assigned to score a session at the discretion of the Technical Committee.

If the Judge panel for an oral round is comprised of three (3) or four (4) Judges, the scoring for that round shall be calculated by adding each score and obtaining an average.

If the Judge panel for an oral round is comprised of five (5) or more Judges, the scoring of the round shall be calculated by eliminating the highest and lowest scores and averaging the remaining scores.

### **5.6 Bench Memorandum**

The author(s) of the Problem shall provide a Memorandum of Law and Authority (“Bench Memorandum”) on the legal issues addressed in the Competition’s Problem for the purposes of briefing the Competition Judges. The content of the Bench Memorandum is strictly confidential and will not be made available to Participant Teams Members, Coaches or Observers during the course of the current Competition. Team Members, Coaches and Observers, if confronted with the Bench Memorandum, must refuse to examine, read, or use any information deriving from it. Violation of this rule, or the mere grounds for suspicion of violation of this rule, by any Team Member will lead to the dismissal of the respective Team from the Competition.

## **RULE 6: BAILIFFS**

### **6.1 Eligibility and Registration**

Any person with an interest in moot-courting or the Inter-American system may apply to be a Bailiff, including students high school age or older, educators, and legal professionals. Interested parties may apply online by the date indicated in the Competition Calendar (see Appendix A).

#### **6.1.1. Selection Criteria**

The Technical Committee will review applications as received and will choose individuals to serve as Bailiffs based on the needs of the Competition and the applicant's interest in the position. There are twenty (20) positions available, and once all positions are filled, registration will be closed. Students attending schools that are participating in the Competition may not serve as Bailiffs except in exceptional circumstances, as decided by the Technical Committee.

### **6.2 Responsibilities**

Bailiffs must attend a training session as indicated in the Competition Calendar. They are required to oversee three (3) rounds per day and must report to headquarters thirty (30) minutes prior to their scheduled round. Specific responsibilities include preparing score sheets, setting up their assigned room, communicating any problems to the Competition staff, keeping time during the oral rounds, enforcing the rules, overseeing all documents, and returning completed score sheets to the Competition staff.

### **6.3 Confidentiality**

Bailiffs have a duty not to disclose confidential information about the Problem, the Bench Memorandum or other Competition documents. Bailiffs also have a duty to keep

concern to the Inter-American System.

### **7.2 Translation and Revision of the Case**

The Case will be translated by professional translators into the three (3) official languages of the Competition. Following the publication of the Case, there will be a three (3) week period in which Competitors, Coaches, Judges, and Observers may submit any concerns regarding the language used in the translated text. Once the revision period is closed, the Competition will post a corrected version in each language, which will henceforth be the official text of the Case for the Competition.

### **7.3 Clarifications to Case**

Only Participant Teams that have completed their registration (as outlined in Rule 3.1) and registered the names of its Competitors by no later than 5:00 pm EST on the day when Clarification Questions are due (see Appendix A) will be eligible to submit requests of clarifications of points of fact in the case. Each eligible Team may submit in writing up to three (3) requests for clarifications, subject to the submission procedure outlined below in Rule 7.3.2. Clarification requests by Teams that have not registered the names of their Competitors by the aforementioned deadline shall not be answered.

#### **7.3.1 Submission Procedure for Clarification Questions**

Requests for clarifications must be sent by electronic mail and must be received by the Technical Committee by 11:59 P.M. to [iamoot@wcl.american.edu](mailto:iamoot@wcl.american.edu) on the date indicated on the Competition Calendar. The Technical Committee will not issue clarifications for any requests received after the deadline.

#### **7.3.2 Eligible Issues for Clarification**

The Technical Committee has the right not to respond to compound questions, questions that are outside the facts or questions that would give rise to arguments that are outside the scope of substantive or procedural issues originally contemplated by the facts.

#### **7.3.3 Notice**

All clarifications to legitimate requests made pursuant to this section will be available to Participant Teams within the time established in the Calendar and will be posted on the Competition website. It is the responsibility of each Participant Team to ensure that it receives and adequately integrates these Problem Clarifications.

**RULE 8: MEMORIAL**

to identify and locate the authority in a publication and shall include the page number(s) of the Memorial on which each authority is cited. Failure to include this section, to properly label this section or to place it out of order in accordance with Rule 8.3 will result in a penalty.

### **8.3.4 Statement of Facts**

The Statement of Facts shall be limited to the stipulated facts and necessary inferences from the Problem and any Clarifications to the Case. The Statement of Facts cannot include unsupported facts, distortions of facts, argumentative statements, or legal conclusions. Failure to include this section, to properly label this section or to place it out of order in accordance with Rule 8.3 will result in a penalty.

### **8.3.5 Legal Analysis**

The discussion of the legal issues presented in the case should include: a) an analysis of the preliminary admissibility issues (i.e., exhaustion of domestic remedies) if applicable; and b) an analysis of the issues of law according to the American Convention on Human Rights and other applicable international instruments cited in the Case. Failure to include this section, to properly label this section or to place it out of order in accordance with Rule 8.3 will result in a penalty.

### **8.3.6 Request for Relief**

Each Memorial shall include a separate section for the Request for Relief. No legal arguments may be presented in this section. Failure to include this section, to properly label this section or to place it out of order in accordance with Rule 8.3 will result in a penalty.

## **8.4 Length of Memorial**

**The Memorial shall not exceed twelve thousand (12,000) words in total. All words and pages in the document will be counted including the Title Page, Table of Contents, Index of Authorities and footnotes.** The Team must fit all required sections within the twelve thousand (12,000) words allotted to them. Failure to submit a Memorial within the designated length will be penalized (see Rule 8.8).

## **8.5 Format of Memorial**

All pages of the Memorial, including the Title Page, shall be in Times New Roman, size twelve (12) font, double-spaced, have one-inch margins, and be set to U.S. letter size paper (8 ½" x 11"). The character spacing should be set to normal (condensed or expanded text will not be accepted). Failure to submit the Memorial in proper format will result in a two-point deduction penalty for every formatting error pursuant to rule 8.8; additionally, Competition organizers will change the format to meet requirements. The Memorial shall not include any tables, charts, or images in any section of the document, including the Title Page and the Table of Contents. If a Memorial includes any of the aforementioned elements, they will be removed and/or edited by the Technical Committee.

### **8.5.1 Footnotes**

Footnotes shall be single-spaced and printed in Times New Roman size ten (10) font. Footnotes should be limited to the location of the case or report cited in the text of the Memorial. Footnotes shall not contain substantive legal arguments. Footnotes that contain substantive legal arguments shall be ignored by the Judge(s). Footnotes not formatted correctly are subject to penalties (see Rules 8.5 and 8.8)

### **8.6 Submission of Memorial**

The submission of Memorials will be determined by the rules below.

#### **8.6.1 General**

Each Team must submit its Memorial via electronic mail (e-mail) to the Technical Committee no later than the date and time provided in the Competition Calendar. The deadline is 11:59 PM Eastern Daylight Time (EDT) on the day indicated in the Calendar. Memorials received at any point after 11:59PM that day will receive the appropriate penalty. The Technical Committee's e-mail address is [iamoot@wcl.american.edu](mailto:iamoot@wcl.american.edu). Teams must submit one (1) electronic copy by the deadline to fulfill the requirements of the Competition. Failure to submit the electronic copy in the correct document type by the due date will result in the Memorial being considered incomplete and may result in penalties for lateness as listed in Rule 8.8.1.

#### **8.6.2 Signature Page**

The Memorial submission e-mail should include the Team Number, the school's name, the names of the Participant Team Members, including the name of the Coach, and any Observers that are attending from that institution, within the body of the e-mail. Teams will be penalized according to Rule 8.8.3 for not including this information in the submission e-mail.

#### **8.6.3 Electronic Copy**

The electronic copy of the Memorial must be contained in its entirety in one Microsoft Word file. The file title should include the Team Number only (i.e., "100"). Untitled or improperly titled Memorials are subject to penalties (see Rule 8.8). **The Technical Committee will not accept Memorials that are located on multiple files (i.e., one file for the Title Page and one file for the remainder of the Memorial) or files of any type other than Microsoft Word (.doc or .docx).** Failure to submit in this format will result in the Technical Committee requesting another electronic copy of the Memorial, which may result in the overall submission of the Memorial being considered late. A total of two (2) points will be deducted for Memorials submitted in the wrong file format. Each Team should contact the Competition staff immediately if it does not receive a confirmation receipt within



other than that stipulated in Rule 8.5. A total of two (2) points will be deducted for Memorials written in the wrong font and format, including the footnotes. A total of two (2) points will be deducted if the official Team Number is not located on every page of the Memorial, including the Title Page. One (1) point will be deducted for every section omitted, including the Signature Page, or for each section that is out of order according to Rule 8.3 (for a total possible deduction of six (6) points). One (1) point will be deducted if the file is not titled correctly (the Team Number). Two (2) points will be deducted if the character spacing is anything but normal (expanded or condensed).

#### **8.8.4 Importance of Team Number**

If the incorrect Team Number is placed on a Memorial and submitted as such to the Technical Committee, a five (5) point penalty will be imposed.

#### **8.8.5 Plagiarism**

No Participant Team shall incorporate any passage taken either word for word or in substance from any work of another unless the Participant Team credits the original author's work by quotation marks and footnotes or other appropriate explanation. Failure to give credit to the original author will result in a twenty (20) point deduction, at minimum, and a one hundred (100) point deduction at maximum, and possible expulsion from the Competition. Judges are asked to report any suspicion of plagiarism to the Technical Committee. The Technical Committee will review accusations of plagiarism on a case-by-case basis and take whatever action it deems appropriate and necessary.

#### **8.8.6 Publishing of Penalties**

The penalties assessed will be emailed to each team approximately two (2) weeks after the submission of the memorial. One (1) week after the team has been notified, the penalties will be considered final.

### **RULE 9: STRUCTURE OF ORAL ARGUMENT ROUNDS**

#### **9.1 General Information**

Prior to the start of Oral Rounds each year, the Competition organizers will hold an Opening Ceremony. This Opening Ceremony is mandatory for Teams, and Judges are encouraged to attend. At this Opening Ceremony, the Competition organizers will convey final instructions to participants and important announcements. If a Team realizes they will be unable to attend the Opening Ceremony for unexpected reasons, they need to immediately alert the Competition organizers. Any Team that fails to attend the Opening Ceremony and does not contact the Competition organizers in advance may receive substantial penalties, may not be ensured participation in one or both of their preliminary rounds, and may be disqualified from semifinals.

## **9.2 Basic Structure**

The oral phase of the Competition shall consist of a Preliminary Round, a Semi-Final Round, and a Final Round.

## **9.3 Preliminary Round**

The Preliminary Round of the Competition shall consist of two (2) Oral Argument Sessions per Team. In exceptional cases, some Participant Teams may be scheduled to argue a third time, as outlined in Rule 9.3.3.

### **9.3.1 Pairings for the Preliminary Rounds**

The pairing of Participant Teams for the Preliminary Round of the Competition shall be performed by a random draw. Pairings will be posted at the Check-In Registration Site, one (1) day prior to the start of the Competition. Official pairings of Teams shall be final, except as may be modified by the Technical Committee to account for Teams which do not appear at the start of the Preliminary Round. The Technical Committee shall have the power in such circumstances to adjust the pairings or to require a Participant Team to compete in a third Oral Argument Session during the Preliminary Round. All Teams should check the bulletin board in front of the Competition headquarters or the Competition website the morning of each day of Oral Rounds to see if there are any changes to the scheduled sessions.

### **9.3.2 Scheduling of Preliminary Round**

The Preliminary Round shall be scheduled over as many days as are necessary to arrange all Oral Argument Sessions.

### **9.3.3 Extra Oral Argument Sessions**

In exceptional circumstances, some Participating Teams may be scheduled to argue a third time in the Preliminary Round. Should the Technical Committee require a Participant Team to argue a third time, all three (3) scores will be averaged to determine the individual's and the Team's Final Preliminary Round oral score.

## **9.4 Semi-Final Round of Competition**

The Semi-Final Round of Competition shall consist of the top 20% of the Teams representing the VICTIMS and/or PETITIONERS and/or COMMISSION and the top 20% of the Teams representing the STATE. These rankings will be determined by the scores of the Preliminary Round sessions.

The Technical Committee reserves the right to make adjustments based on the number of Teams participating in the Competition. There will be roughly

VICTIMS/PETITIONER/COMMISSION, one (1) STATE) allowed to participate in the semi-final rounds for every ten (10) Teams participating in the Competition. Therefore, ten (10) Teams representing each side of the argument would be the case if approximately 100 Teams participate in the Competition.

#### **9.4.1 Pairings for the Semi-Final Round of Competition**

Based on the ranking of scores of the top twenty (20) percent of Teams from the Preliminary Round, pairings in the Semi-Final Round of Competition are as follows: the highest-ranked VICTIMS and/or PETITIONERS and/or COMMISSION Team against the lowest-ranked STATE Team, the second highest-ranked VICTIMS and/or PETITIONERS and/or COMMISSION against the second-lowest ranked STATE Team, and so on. In exceptional circumstances, the Technical Committee may make adjustments to the Semi-Final Round pairings in order to guarantee the proper functioning of the Competition. Such determinations will be made at the sole discretion of the Technical Committee.

#### **9.4.2 Scheduling of the Semi-Final Round**

The Semi-Final Round of Competition shall be scheduled over as many days as are necessary to administer all Oral Argument Sessions.

#### **9.4.3 Observation of Semi-Final Rounds**

No Team Member or Observer from the same University as a Team that will compete in the Semi-Final Rounds may watch other Teams compete during the Semi-Final rounds. Team Members must report to Competition headquarters by 8:30 AM the day of the Semi-Final Rounds to receive sequestration instructions from Competition staff. Violation of this rule will be considered illegal scouting, and subject to the same consequences (see Rule 10.5.3). Teams must remain in sequestration until the last semifinal round has been completed.

### **9.6 Sharing of Memorials**

The Memorials of opposing Teams may be exchanged prior to each Oral Round. The Technical Committee will make all efforts to maximize the time each side will have to review the opposing Team's Memorial. The Technical Committee will make copies of the Memorials available online one (1) week prior to the Competition. Opponents' Memorials will be provided in the language in which they were submitted. Memorials will not be translated. The Competition Organizer's will make an effort to give out printed copies of opponents' Memorials during check-in. **However, this is not guaranteed.** Failure to receive an opponent's Memorial is not grounds for postponing an Oral Argument Session.

Team, it must also be extended for the other Participating Team. Scoring will be based on the same criteria as earlier Rounds.

### **10.3 Order of Pleadings**

The order of the pleadings in each round of the Competition shall be:

1. VICTIMS and/or PETITIONERS and/or COMMISSION 1
2. VICTIMS and/or PETITIONERS and/or COMMISSION 2
3. STATE 1
4. STATE 2
5. VICTIMS and/or PETITIONERS and/or COMMISSION Rebuttal
6. STATE Surrebuttal

#### **10.3.1 Rebuttal and Surrebuttal**

Each Participating Team shall be allowed to reserve up to ten (10) minutes at the start of the Oral Argument Session for rebuttal or surrebuttal, which is to be announced by each Participant Team to the Judges at the beginning of the oral pleadings of the session. Only one (1) Participating Team Member may deliver the rebuttal or surrebuttal. If the VICTIMS and/or PETITIONERS and/or COMMISSION do not reserve time for rebuttal, the STATE may not reserve time for surrebuttal. If the VICTIMS and/or PETITIONERS and/or COMMISSION reserve time for rebuttal but then declines to present rebuttal arguments, the STATE may use their reserved time without restriction as to the scope of the surrebuttal.

#### **10.3.2 Scope of Pleadings**

The scope of the oral pleadings for each Team is not limited to the scope of their written Memorials. The scope of the VICTIMS and/or PETITIONERS and/or COMMISSION's rebuttal is limited to the scope of the STATE's oral pleading, and the scope of the STATE's surrebuttal is limited to the scope of the VICTIMS and/or PETITIONERS and/or COMMISSION's rebuttal, except as stated in Rule 9.3.1.

### **10.4 Ex Parte Procedure**

In the case of extreme circumstances, where one Team fails to arrive to a scheduled Oral Argument Session, the Technical Committee, after waiting thirty (30) minutes, may allow the Oral Argument Session to proceed ~~ex parte~~ in an ~~ex parte~~ proceeding, the attending Participating Team presents its oral pleading, which is scored by the Judges as if they had appeared against the opposing Participating Team. The Technical Committee may arrange an ~~ex parte~~ proceeding for the absent Team if it considers it appropriate at its discretion.

### **10.4.1 Rescheduling of Oral Rounds**

If the Technical Committee determines that the absent Team missed its scheduled oral round through no fault of its own and that the absence could not have been avoided by the Team Members, the Technical Committee may allow the *ex parte* proceeding to be scored by the Judges as if they had appeared against the opposing Participating Team, with no penalties. However, in cases where the Technical Committee feels the absence could have been avoided through reasonable precautions on behalf of the Team Members, if the Team is given the opportunity to argue *ex parte* the Judges will score the round normally, but the Technical Committee will then deduct 50% of the scores, both for Team and Individual Orator total scores and placement. Whether or not the tardy Team will be given the opportunity to argue *ex parte* will be determined by the Technical Committee at its sole discretion and based upon the availability of Judges to score the round.

If another round cannot be scheduled, the Team's score for the missed round will be calculated as follows. For Teams scheduled to participate in two preliminary rounds: the score for the missed round will be the same as the score granted to the Team in the Round in which they participated, minus a 50% deduction. For Teams scheduled to participate in three preliminary rounds: the Technical Committee will average the Team's scores for the two rounds in which they participated, then apply a 50% deduction to the average score, to arrive at the Team's score for the Round they missed. These formulas will apply to both Team and Individual Orator total scores.

For Semi -Final or Final Rounds, if the Technical Committee determines the Team Members could have avoided the absence, there will be no rescheduling. If the Technical Committee determines it to be in the best interest of the Competition, this rule may be revised at any time.

## **10.5 Spectators and Scouting**

### **10.5.1 General**

Individuals wishing to attend more than one round

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### **10.5.2 Recording and Taking Notes (Generally)**

While Participating Competitors, Coaches and Observers may observe other Participating Teams' Oral Argument Sessions, only the four (4) student Team Members (2 for the VICTIMS and/or PETITIONERS and/or COMMISSION and 2 for the STATE) giving their oral argument presentations, as well as one of the team's coaches and the Judges on the Bench, may take notes during the Oral Argument Session. **No other individual in attendance may record (either in video or audio) or take notes of the proceedings. Anyone caught taking notes will be expelled from the courtroom and penalties may be awarded to Teams found violating this rule.** The Coach that wishes to take notes must identify themselves at the beginning of the session, when prompted by the Bailiff. These notes may not be shared or discussed with members of other Teams.

### **10.5.3 Scouting**

Participant Team Members and Observers who attend universities that are participating may not observe the pleadings of their scheduled opponents in order to prevent an unfair advantage. Any claim that this Rule has been violated will be investigated immediately by the Technical Committee.

If, after the ensuing investigation, the Technical Committee finds that a Team was scouting an opponent, that Team may be penalized with at least 10% of its score in the round where the event took place. The Technical Committee may impose additional penalties depending on the severity of the offense.

### **10.5.4 Coaches as Spectators**

Coaches are not allowed to either sit with their Team Members at the Team table or pass Team Members notes during any of the Oral Argument Sessions. Coaches will be removed from attending any future oral round sessions of their Team if they are found to have violated these Rules.

## **10.6 Video Taping, Recording and Photographs by Participants**

Those Teams that wish to photograph, record by video or any other recording device or their own session must submit a request in writing prior to the beginning of the Competition to the Technical Committee. Permission will be granted at the discretion of the Technical Committee and only with the agreement of the opposing Team(s). Individuals that violate this Rule will be asked to leave the oral round session.

### **10.6.1. Prohibition of Electronic Devices**

Cell phones, blackberries, laptops and other electronic devices are not allowed during the oral rounds for anyone present, including Judges, Team Members, Observers or the general audience. All devices must be turned off prior to the round. Use of devices during the round could lead to disqualification of Team, loss of certificate, or other action deemed appropriate by the Technical Committee.

### **10.7 Languages and Interpretation**

Oral Argument Sessions are to be delivered in English, Spanish, or Portuguese. In the event that opposing Participant Teams plead in different languages, interpretation will be arranged by the Technical Committee. Adequacy of and/or quality of interpretation cannot be a basis for questions, clarifications and complaints to the Technical Committee.

### **10.8 Presenting Materials**

No physical items may be presented to the Judges' Bench during an Oral Argument Session. In addition, no electronic device or program may be used as part of the oral argument presentation.

## **RULE 11: ORAL ARGUMENT SESSION SCORING**

### **11.1 General**

Judging of the Oral Argument Sessions will be based on the organization of the presentation, quality and clarity of legal arguments and the ability to respond to opponent's arguments and questions from the Judges. Judges should complete all score sheets at the conclusion of each round prior to deliberating with each other. After all scores sheets have been delivered to the Bailiff, the Oral Argument Session will be over, and judges should leave the room.

### **11.2 Point Scale**

Each Oral Argument Session will be scored by a panel of at least three (3) Judges. Each Judge will score each orator on a scale of one (1) to one hundred points (100), one hundred (100) being the highest possible score. For the purpose of calculating the Participant Team score for that session, the average of both Participant Competitors' individual oral scores will be combined.

### **11.3 Scoring of the Preliminary Round**

The scores of the Oral Argument Sessions will be used to determine each Participant Team's score in the Preliminary Round. In the event that a Participant Team argues in more than two (2) Preliminary Round Oral Argument Sessions, all three (3) oral scores shall be averaged (Rule 9.3.3).

#### **11.3.1 The Value of the Memorials and the Oral Argument Sessions in the Preliminary Round Scoring**

In the Preliminary Round, the scores obtained in the oral argument sessions will be averaged to make up 100% of each team's score. The score obtained for the written Memorial will be considered separately, and the score for the rounds will not be averaged with that of the Memorial.

### **11.3.2 Selection for the Semi-Final Round**

The top 20% of the highest-ranked Teams representing the VICTIMS and/or PETITIONERS and/or COMMISSION and the top 20% of the highest-ranked Teams representing the STATE shall advance to the Semi-Final Round. Or the number of Teams determined by Rule 9.4

### **11.3.3 Tie-Breaking Procedures**

In the event of a tie, the Participant Team with the highest individual orator argument score shall advance. If there is still a tie, the Team with the higher overall Team Memorial score will advance. In the event that further tiebreakers are needed, the Technical Committee will determine an adequate process.

### **11.4 Scoring of the Semi-Final Round**

The scoring of the Semi-Final Round will be weighted as follows: 25% of the score will be based on the Preliminary Oral Round score and 75% of the score will be based entirely on the Participating Team's Oral Argument Session score in the Semi-Final Round.

#### **11.4.1 Tie-Breaking Procedures for Semi-Final Round**

In the event of a tie, the Team with the highest individual orator argument score for the Semi-Final Round shall advance. If there is still a tie, the Participant Team with the highest Preliminary Oral Round score shall advance. In the event that further tiebreakers are needed, the Technical Committee will determine an adequate process.

#### **11.4.2 Selection for the Final Round**

The highest-ranking Semi-Finalist representing the VICTIMS and/or PETITIONERS and/or COMMISSION and the highest-ranking Semi-Finalist representing the STATE will advance to the Final Round.

### **11.5 Final Round**

Judges must deliver their decision at the conclusion of the Round. Ties are not allowed. The scores of all the Judges will be averaged and the Team with the highest average score will be announced as the winner.

### **11.6 Scoring of Individual Orators and Selection of Best Individual Orator**

The scores and rankings for each individual orator in the Competition shall be determined by averaging the individual oral scores from the Preliminary Oral Round sessions. The highest-ranking individual orator in English, in Spanish and in Portuguese will each receive the Best Individual Orator Award for the Competition. There will also be an award for the Highest Orator Overall.





**APPENDIX B: 2023 COMPETITION FEES**

Team	\$1200
Second Coach	\$400
Observer	\$400
Bailiff	\$0