

Rules of the Moot Court

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Please note:

Most of the rules were inspired by previous Moot Court rules published at <http://www.larc.info/files/MCC%20rules%202007%20website.PDF> and were modified for the purpose of a smaller Moot Court specifically for the year 2007

1. Timetable

Case sent to co-ordinators of the clinics	10.12.2007
Deadline for announcing participating teams	31.12.2007
Time for clarification of the case – questions from clinics	10. 1. 2007
Deadline for submitting memoranda	29. 2. 2007
Written round results	31. 3. 2007
Distribution of memoranda to opposing teams	3. 4. 2007
Oral rounds	middle April

(dates of oral rounds
to be confirmed yet)

2. Teams and coaches

There are two members of a team. Within the team the members may share their responsibilities as they wish. However, in oral rounds, both partners must talk in front of the Court. The team members may not change throughout the Moot Court, unless announced to the organizers and unless good reasons are given for the change.

One of the team members or a coach is to be a team representative and all emails will be sent to him regarding the Moot Court.

Each team shall have a coach, who is supposed to give guidance to the team members.

Teacher of a clinic may be a coach, unless he/she is designing the case. He must not however draw the memoranda or assist in research for the team and must not contact the MCC judges regarding the Moot Court case.

3. Questions for clarification

Questions for clarification will be answered within 5 days, and will be forwarded to all teams (to team representatives). Clarifications may regard the case or the rules, they may not regard legal questions. They may not be additional questions for the asylum-seeker.

4. Memoranda

Each team shall prepare one memorandum on the part of the Applicant and the part of the Respondent.

The case is a fictitious asylum case and regarding the account of the asylum-seeker only transcript of the interview and the decision may be referred to. No further material (video) shall be available. The materials will be distributed by email to the heads of legal clinics who shall distribute them to the teams and coaches.

In written rounds both memoranda will be evaluated.

In oral preliminary rounds only one memorandum will be presented – the assignment of the memoranda to be presented will be done anonymously by lottery with no regard to the results from the written rounds. In the final round the teams shall present the other memorandum that they had not presented in the first round.

4.1 Requirements for the Memoranda

The language of the Memoranda shall be English. In case materials in other languages are used, teams must provide translation into English. The text will be written in Times New Roman, character 12, and the text will be 1,5 spaced. Footnotes may be used only for citation, not for additional information or additional arguments. Each page has to be numbered in right bottom corner starting with number 1 on the cover page. Each section should start on a separate page.

The team shall not identify themselves in no way anywhere in the memorandum (not even pointing to the country they come from).

4.2 Sections

The following structure must be adhered to:

1. Cover page
2. Table of contents
3. List of Abbreviations
4. List of Sources (all sources, including the legislation, case-law, guidelines, etc.)
5. Statement of Relevant Facts
6. Country of Origin Assessment
7. Issues
8. Summary of Arguments
9. Arguments
10. Submissions

Failure to keep the structure may result in lower evaluation marks given by judges. The memorandum may not exceed 30,000 characters, each (not including footnotes or endnotes).

1. Cover page

The Cover page shall include the name of the case, the title (Brief of the Applicant or Brief of the Respondent, and number of the team.

Mark v. Great Britain
Brief of the Respondent
Team No.: 1

2. Table of Contents

The Table of Contents may not exceed one page in length. It should contain a list of the sections and subsections and numbers of pages.

3. List of Abbreviations

This list shall include a list of all the abbreviations and full names. We recommend that official abbreviations are used (e.g. ECHR standing for European Court of Human Rights).

4. List of Sources (all sources, including the legislation, case-law, guidelines, etc.)

List of Sources may not exceed one page in length. Citations should be consistent all throughout the memorandum.

With reference to previous Moot Courts organized by Hungarian Helsinki Committee, we also suggest that less experienced teams consult the following websites:

University of Wisconsin Madison's "The Writing Centre" at

www.wisc.edu/writing/Handbook/DocChicago.html and/or
William Shrunck's *The Elements of Style* at www.bartleby.com/141/

5. Statement of Relevant Facts

The Statement of Relevant Facts must not exceed 5,000 characters in length. This figure does not include footnotes or spaces. Only facts relevant to the case should be mentioned in this section. This section is not to be used as a mere summary of the interview and the decision, but facts relevant from the point of view of asylum case are to be pointed out. The section must not include arguments or information not included in the interview or the decision.

6. Country of Origin Assessment

This section must likewise not exceed 5,000 characters in length. This figure does not include footnotes or spaces.

7. Issues

This section must not exceed one page in length. The section shall summarize the issues dealt with in the case which shall be numbered and shall have the form of a question. No arguments or statements may be listed.

8. Summary of Arguments

The summary of arguments must not exceed one page in length.

9. Arguments

This section must not exceed 18,000 characters in length. This figure does not include footnotes or spaces.

10. Submissions

This section must not exceed 500 characters in length.

4.3 Judging of the memoranda

Each memorandum will be evaluated by two judges. The judges will not be aware of the team whose memorandum they are evaluating.

Each team may receive up to 45 points from the judges in the written part. The score the paper receives is an average between the scores the two judges assigned to it. These guidelines shall be followed by the judges:

- Legal argumentation (0-2 poor; 3-5 below average; 6-8 average; 9-12 above average; 13-15 excellent)
 - Knowledge of the facts and legal principles applicable
 - Proper and articulate analysis of the issues dealt with
 - Application of the relevant principles of law to the fact
 - Logic and reasoning
 - Original thought, creativity
 - Persuasiveness
- Quality of Research (0-2 poor; 3-5 below average; 6-8 average; 9-12 above average; 13-15 excellent)
 - Proper use of relevant authorities (sources of law, *opinio iuris* etc.)
 - Thorough country of origin assessment
 - Relevance and variety of authorities

- Presentation (0-1 poor; 2-3 below average; 4-6 average; 7-8 above average; 9-10 excellent)
 - Clarity and organization
 - Thoroughness
 - Language, grammar, spelling
- Format and layout (0-1 poor; 2 below average; 3 average; 4 above average; 5 excellent)
 - Compliance of format and spacing with the Rules
 - Quality of layout

Summation of Points:

Brief of the Respondent: Max. 45

Brief of the Applicant: Max. 45

Maximum total number: 90

5. Oral rounds

The pleadings will consist of 30 minutes of pleading. Each team will be allotted 15 minutes, including rebuttal and surrebuttal. No single oralist will speak for more than 10 minutes.

The structure of one oral round:

1. Applicant – 10 min. presents his claim
2. Respondent – 10 min. reacts to the claim
3. Rebuttal – 5 min. Applicant reacts to the Respondent's assertions
4. Surrebuttal – 5 min. Respondent reacts to the Applicant's rebuttal

In the oral rounds teams may add new arguments, examples, but the issues of the case dealt with may not be modified and arguments may not be substantially different from their written submissions.

The scope of the Rebuttal is limited to the content of the Respondent's pleading and the scope of the Surrebuttal is limited to the content of the Applicant's Rebuttal. No legal issues addressed in primary pleadings may be addressed in the rebuttal and surrebuttal parts.

5.1 Bailiff

The bailiff present shall announce the beginning or the end of each section. The bailiff will keep track of the time left and will signal the teams when 8 minutes, 10 minutes and 13 minutes have passed out of the 15 minutes allotted pleading. In cases of technical problems, the bailiff will note this. In such cases judges may allow more time to be used by the team.

5.2 Questions and Time

Judges may raise questions during the oral pleadings. The time of the questions will not be calculated within the time allotted to the teams. Questions may be asked after the end of the pleadings (after surrebuttal). Judges may also ask the pleading parties to expand on their arguments after the pleading. They may also allot more time to both the parties, in such cases both parties will be allotted the same amount of time.

At the end of the oral pleadings judges may give a short feedback to the teams regarding their performance. They shall not however discover the results to the teams at this point.

5.3 Judging of the oral rounds

Each team may receive up to 60 points from the judges in the oral part. The score is an average between the scores the judges assigned to it. These guidelines shall be followed by the judges:

- Legal argumentation (1-3 poor; 4-7 below average; 8-13 average; 14-17 above average; 18-20 excellent)
 - Knowledge of the facts and legal principles applicable
 - Proper and articulate analysis of the issues dealt with
 - Application of the relevant principles of law to the fact
 - Logic and reasoning
 - Response to the questions asked by the judges
 - Response to the pleadings in the rebuttal/surrebuttal
 - Original thought, creativity
 - Clarity of claims
- Background Information (1-3 poor; 4-7 below average; 8-13 average; 14-17 above average; 18-20 excellent)
 - Knowledge of facts and legal principles applicable to the facts
 - Thorough country of origin assessment
 - Background knowledge revealed throughout the pleadings and through answers to questions asked
 - Proper usage of relevant authorities (sources of law, opinio iuris etc.)
- Presentation (1-3 poor; 4-7 below average; 8-13 average; 14-17 above average; 18-20 excellent)
 - Clarity and organization
 - Persuasiveness
 - Team synergy
 - Thoroughness
 - Rhetorical skills

Summation of Points:

Max. 60

Penalty points may be given by judges:

1. for addressing new issues addressed in the rebuttal or surrebuttal parts and not addressed in the primary pleadings (2 points per occurrence)
2. for extending the scope of the of the rebuttal or surrebuttal beyond the scope of the pleadings (1-5 points)
3. for exceeding the pleading time without judges' permission (3 points per minute – minimum 1 minute)
4. teams not appearing on time (3 points per minute)

The score is average of the score assigned by the judges sitting on the panel.

The final score is sum of the scores for oral and written rounds.

5.4 Final Round

Top-scoring teams will advance to final rounds, where they might switch their roles, if possible. However, if both the teams pleaded in the same position (of an applicant or a respondent) in the previous rounds, their positions in the final round will be chosen by lottery. The winner of the Moot Court will be chosen upon the criteria set above.