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2<sup>ND</sup> NUJS HERBERT SMITH NATIONAL CORPORATE LAW MOOT COURT COMPETITION 2010

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## **OFFICIAL RULE 1.0. INTRODUCTION**

These Rules will be henceforth known as the **NUJS-Herbert Smith Moot Court Competition 2010 Official Rules**.

## **OFFICIAL RULE 2.0 PARTICIPATION AND ELIGIBILITY**

### **2.1. Team Member Eligibility**

All students enrolled on a full-time or part-time basis in either a 3-year LLB course or a 5-year integrated BA LLB [or similar] course at the time of the competition are eligible to compete in the Competition. Each college or University may enter one team.

### **2.2. Team Composition and Selection**

A Team shall be ordinarily composed of three (3) members. Teams wishing to bring additional members as observers shall be required to intimate the "Competition Committee" ("CC") at the earliest and the same shall not be eligible for a certificate.

### **2.3. Outside Assistance to Teams**

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

### **2.4. Use of Opposing Team's Written submissions**

No Team shall be allowed to view or otherwise become privy to any Written submission other than the respective Appellant and Respondent written submissions of scheduled opposing Teams in the course of the Competition.

## **OFFICIAL RULE 3.0 Team Registration**

### **3.1 Registering Names of Team Members**

Each Team shall submit all Team members' names to the C.C. by December 10<sup>th</sup>, 2009. Registration can be done either through email or post. The C.C. shall intimate the concerned school of the receipt of the application.

Team members' names shall be clearly written or typed on the form, with attention given to the spelling of each Team member's name. Names shall appear in the manner that Team members wish them to appear on their participation certificates.

### **3.2. Team Number as Identification**

Each Team shall be assigned a Team Number selected by the Competition Committee. Teams shall use their Team Numbers for identification purposes.

Names of participants or their colleges may not appear on or within the Written submissions. Signature pages are prohibited.

## **OFFICIAL RULE 4.0 JUDGES**

### **4.1 Three Judge Panels:**

Three (3) judge panels shall be utilized whenever possible. No judge will be directly affiliated with any Team participating in the round at which they are judging. In extenuating circumstances, the Competition Committee may authorize panels of two (2) judges. The final rounds of the competition may be judged by a larger, odd-numbered bench.

### **4.2 Anonymity of Teams**

The identity of a Team shall be kept completely confidential during the Tournament. Although judges are allowed to know the identities of individual participants, the colleges of the participants shall remain anonymous.

### 4.3 Prior Viewing of Teams

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

### 4.4 Feedback by Judges

Judges in any Round of the Competition are encouraged to provide direct feedback to Teams regarding the Teams' performance at the completion of the Round. Judges shall not reveal to any Team the results of their individual determinations or the Team's Scores.

## OFFICIAL RULE 5.0 CLARIFICATIONS OF THE COMPETITION PROBLEM OR RULES

Teams may submit written requests for clarifications of the Competition Problem or these Rules. Requests for such Problem Clarifications must be received by the Competition Committee by January 10<sup>th</sup>, 2010. Teams may submit requests for clarifications by mail or email.

All clarifications to legitimate requests will be summarized and emailed to the participating colleges by December 25<sup>th</sup>, 2009. If however, the College has failed to provide the Competition Committee with the details of a contact person, the Competition Committee cannot guarantee the delivery of the clarifications and corrections.

## OFFICIAL RULE 6.0 WRITTEN SUBMISSIONS

### 6.1 Submission of Written submissions

All Written submissions must conform to the following general requirements. Teams will be penalized for failure to abide by these requirements.

Each team shall prepare an Appellant and a Respondent Written submission. Each Team participating in the Competition must submit 6 hard copies of each side memo, *i.e.* 12 memos total (printed or photocopied, black print on a white background) and email the soft copy, of the appellant as well as the respondent written submission.

Soft copy of the entire memorials must be emailed to [nujsmcs@gmail.com](mailto:nujsmcs@gmail.com) by 11:59 pm on February 8, 2010. Teams that fail to mail written submissions on time will be penalized. Teams are required to carry with them 6 hard copies of each side of the written submissions when they come for the competition. These hard copies must be submitted during registration on February 19, 2010. Failure to submit 12 hard copies of memorials will be considered incomplete submission and teams will be penalized for the same.

Once submitted to the Competition Committee, Written submissions may not be altered. If pages are inadvertently left out in the collating process, the Competition Committee may allow a Team to correct the deficiency.

### 6.2 Format of Written submissions

Written submissions must be typed and reproduced on white standard A4 paper (21 x 29 3/4 centimetres) except for the covers, where coloured paper must be used. The font and size of the text of all parts of the Written submission, including the footnotes, must be the same and must be in Times New Roman 12-point or larger type. The text of all parts of each Written submission must have one and a half spacing, except that (a) the text of footnotes and headings may be single-spaced, but there must be double-spacing between separate footnotes, and between each heading and the body-text of the Written submission and (b) quotations to sources outside of the Written submission of 50 words or more in any part of the Written submission shall be block quoted (*i.e.* right and left indented) and may be single-spaced.

### 6.3 Description of the Written submission

#### 6.3.1 Parts of the Written submission

The Written submission shall consist of the following parts:

- i. Table of Contents;
- ii. Index of Authorities;
- iii. Statement of Jurisdiction;
- iv. Questions Presented;

- v. Statement of Facts;
- vi. Summary of Pleadings; and
- vii. Pleadings, including the Conclusion/Prayer for Relief.
- viii. Appendix (Optional)

### 6.3.2 Legal Argument Limited to Pleadings Section

Substantive, affirmative legal argument or legal interpretation of the facts of the Competition Problem may only be presented in the “Pleadings” section of the Written submission, including the Conclusion/Prayer for Relief (except insofar as such argument may be summarised in the “Summary of Pleadings” or anticipated in the “Questions Presented”). Teams which include arguments or legal interpretation legal interpretation in any other part of the Written submission shall be penalized.

### 6.3.3 Index of Authorities

Each Written submission shall include an “Index of Authorities.” The Index of Authorities shall contain a list of all legal authorities cited in any section of the Written submission. This list shall include a description of each authority adequate to allow a reasonable reader to identify and locate the authority in a publication of general circulation.

### 6.3.4 Statement of the Facts

Each Written submission shall include a full “Statement of the Facts.” The Statement of the Facts shall be limited to the stipulated facts and necessary inferences from the problem and any clarifications to the same. The Statement of the Facts must not include unsupported facts, distortions of stated facts, argumentative statements, or legal conclusions.

### 6.3.5 Summary of the Pleadings

Each Written submission shall include a “Summary of the Pleadings.” The Summary of the Pleadings shall consist of a substantive summary of the “Pleadings” section of the Written submission in paragraph form, rather than a simple reproduction of the headings contained in the Pleadings section.

### 6.3.6. Pleadings & Prayer

The pleadings shall contain the substantive arguments with appropriate citations. The teams must endeavour to follow a uniform method of citation. The prayer shall be the effective remedies requested in the pleadings.

### 6.3.7. Appendix

All teams have the option of including an appendix. The appendix may contain all relevant provisions of law and a summary of important judgements cited if any. The appendix shall not exceed 10 pages and should follow the format of the rest of the written submission.

## 6.4 Length

The “Pleadings” section of the Written submission, including footnotes or endnotes which refer to the “Pleadings” section of the Written submission, and the Prayer may have no more than **7000 words**.

## 6.5 Margins

Each page of the Written submissions (regardless of content) shall have margins of at least one inch, or two point six (2.6) centimetres, on all sides, excluding page numbers.

## 6.6 Covers

### 6.6.1 Different-coloured Covers

Each Team must distinguish its Appellant Written submission from its Respondent Written submission by submitting each with a different-coloured, non-white cover. The colours chosen by the Team to distinguish Appellant and Respondent written submissions are to be as follows: **Blue** for Appellant and **Red** for Respondent.

### **6.6.2 Information Contained on Cover of Written submission**

Each Written submission should bear on its cover the following, and only the following: (a) the Team Number (to be inserted by the Competition Committee); (b) the name of the court; (c) the name of the parties; (d) the nature of the case (Civil/ Criminal/ Writ/ SLP etc.); and (e) the title of the document (i.e., "Written submission for Respondent" or "Written submission for Appellant").

### **6.7 Binding**

Written submissions must be fastened by ring, spiral or comb binding along the left side of the written submission. No other form of binding including stapling or book-binding is permitted.

## **OFFICIAL RULE 7.0 ORAL PLEADING PROCEDURES**

### **7.1 General Procedures**

Each Oral Round of the Tournament shall consist of ninety (90) minutes of oral pleadings. Appellant and Respondent shall be allotted forty-five (45) minutes each. Two (2) members, and no more than two (2) members, from each Team shall make oral presentations during the round. Prior to the beginning of the Oral Round, each Team shall indicate to the Court Clerk how it wishes to allocate its 45 minutes among (a) its first Speaker, (b) its second Speaker, and (c) rebuttal (for Appellant) or surrebuttal (for Respondent). No single Speaker shall plead more than twenty-five (25) minutes, including rebuttal or surrebuttal. Any Team member may act as a Speaker during any round of the Competition.

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

Judges may, at their discretion, extend total Team oral argument time beyond the forty-five (45) minute allocation, up to an additional five (5) minutes per Team. Speakers asked to further expand upon arguments may, in this instance, appear for more than the twenty-five (25) minute individual limit.

### **7.2 Order of Submission**

The order of the oral submissions in each Round at all levels of the Competition shall be:

Appellant 1 --> Appellant 2 --> Respondent 1 --> Respondent 2 --> Rebuttal (Appellant 1 or 2) --> Surrebuttal (Respondent 1 or 2).

Each Team may reserve up to five (5) minutes for rebuttal or surrebuttal. As a courtesy to the judges, Teams should announce whether they intend to reserve time for rebuttal or surrebuttal at the beginning of their oral argument, and how much time they intend to reserve. Only one Team member may deliver the rebuttal or surrebuttal.

### **7.3 Ex Parte Procedure**

In extreme circumstances, such as when a Team fails to appear for a scheduled Oral Round, the Competition Committee, after waiting fifteen (15) minutes, may allow the Oral Round to proceed ex parte. In an ex parte proceeding, the attending Team presents its oral pleading, which is scored by the judges to the extent possible as if the absent Team had been present and arguing. In such a case, the Team that fails to appear for the scheduled Round forfeits all six (6) of the Round's Oral Round Points.

### **7.4 Of Team Members**

During each Oral Round, one (1) additional Team member may sit at the counsel table with the two (2) Speakers. The person sitting shall be one of the Team members registered pursuant to Rule 3.1.

### **7.5 Competition Communications**

Oral communications during the Oral Round shall be strictly limited to the following. Any Team which engages in communications not listed in this Rule shall be penalized.

#### **7.5.1. Oral Courtroom Communication between Counsel and Judges**

Each Speaker designated to present oral pleadings may communicate with the judges, and the judges may communicate with that Speaker, during the Speaker's allotted time, and pursuant to Rule 7.1. In addition, in extraordinary circumstances, the

judges may communicate directly with either Team's counsel table (for example, to clarify the spelling of a Speaker's name or to request that a Team remain quiet during its opponent's oral presentation).

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

Every courtesy shall be given to Speakers during oral argument. Communication at the counsel table shall be in writing to prevent disruption, and Teams shall avoid all unnecessary noise, outbursts, or other inappropriate behaviour which distracts from the argument in progress. Any Penalties imposed under this Rule shall be deducted from the Oral Scores of both Speakers of the offending Team.

### **7.5.3 Written Courtroom Communication**

Written communication during the Oral Round shall be limited to (a) written communication among a Team's members seated at the counsel table, and (b) a Team member at counsel table handing a document to an Speaker when that Speaker has been questioned about such document during the course of his or her argument or (c) a written note to assist the Speaker in answering an issue raised by the judges. No other written communication may take place among the Speaker, Team members seated at counsel table, spectators or Team members not present at the counsel table. There is no prohibition on the teams handing over supporting documentation to the judges, but the same should be done through the clerk.

## **7.6 Spectators**

All Preliminary Rounds should be open to the public. Non-affiliated persons, including friends and relatives of Team members, may attend any Oral Round. Presence of coaches, advisors, or other spectators affiliated with the Team are permitted in the courtroom during an Oral Round involving the Team, as long as it is in conformity with the provisions of these Rules.

### **7.6.1 Scouting**

No Team member or person directly affiliated with any Team may attend any Preliminary Round other than those in which their Team is competing. Any team proved to have been scouting shall forfeit all six Oral Round Points in a Preliminary Round.

## **7.7 Anonymity of Teams in Courtrooms**

Teams shall be identified by Team Number and the side of the dispute they represent only. However, Team members may provide their individual names to judges for purposes of conducting courtroom discussions.

Participants shall not expose the identity of their Team through direct or indirect means, including statements to judges, name tags or other signifiers, the placement of folders, files, library books or other materials bearing the name or logo of the school on the counsel table, and the wearing of pins or clothing revealing the identity of their school.

## **OFFICIAL RULE 8.0 COMPETITION PROCEDURES**

### **8.1 Preliminary Rounds**

Each Team participating in the Competition shall participate in Preliminary Rounds consisting of two (2) Oral Rounds, once as Appellant and once as Respondent. Each Team shall face any opposing Team only once in the Preliminary Rounds.

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#### **8.1.1 Pairings**

The pairing of Teams for Preliminary Rounds shall be done, in the first instance, by a random draw. Official pairings of Teams once completed by the Competition Committee shall be final, except as may be modified by the Competition Committee to account for Teams which do not appear at the start of the Tournament or to separate teams which have already met each other once. The Competition Committee shall have the power in such circumstances to revise the pairings. If Teams must be newly paired, they must be provided appropriate written submissions as soon as reasonably possible, but in no event less than fifteen (15) minutes prior to the start of the newly paired round.

## 8.2 Quarter-final, Semi-final and Final Rounds

The eight highest-ranking teams from the preliminary rounds will advance to the quarter-finals and will meet each other in knock-out competition. The winners of the quarterfinals will advance to the semi-finals and the winners of the semi-finals shall participate in the final rounds. In the quarter finals the highest ranked team in the preliminary round will face the lowest ranked team and so on. (1 v. 8, 2 v. 7....). After the quarterfinals, all pairings shall be determined by a draw of lots.

## 8.3 Pleading option

The pleading option (“the right to choose which side to argue”) in the knockout rounds shall be determined by a coin toss. The Competition Committee shall appoint the party to toss the coin.

Once the pleading has been selected, the opposing Team shall be notified immediately of the side it shall argue in the next round and both Teams shall be granted a reasonable time to prepare for the next round.

Written submissions shall be exchanged immediately upon the exercise of the pleading option.

## OFFICIAL RULE 9.0 Competition Scoring

### 9.1 Preliminary Rounds

Scoring of the Preliminary Rounds shall consist of two parts: the scoring of the Written submissions, and the scoring of the oral arguments.

Each Team Written submission shall be submitted to three (3) Written submission judges. The Written submissions shall be reviewed and scored by each judge on a scale of fifty (50) to one hundred (100) points.

Likewise, each Oral Round will be scored by a panel of three (3) judges. Each judge shall score each Speaker on a scale of fifty (50) to one hundred (100) points.

#### 9.1.1. Grounds of Scoring:

The written submissions will be judged on the following grounds:

1. Knowledge of law and Facts.
2. Clarity, brevity and style.
3. Use of authorities and citation.
4. Analysis and Organisation.
5. General Impression.

The oral submission will be judged on the following grounds:

1. Knowledge of law.
2. Use of authorities.
3. Interpretation of facts and appreciation of principles of evidence.
4. Ingenuity and persuasiveness.
5. Style, poise and Court Mannerisms.

#### 9.1.2. Scoring by Judges:

The judges are expected to score the written and oral submissions keeping in mind the following criteria:

1. Excellent: 18-20 points.
2. Good: 16-18 points.
3. Fair: 14-16 points.
4. Average: 12-14 points.
5. Poor: 10-12 points.

No judge can score a written or oral submission at less than 50 points.

## 9.2 Calculation of Scoring Points

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

### **9.2.1 Team Scores**

The calculation of Team Scores shall be subject to the deduction of Penalty Points under the provisions of Rule 13.0.

#### 9.2.1.1 Written submission Team Scores

The calculation of the Total Written submission Score for each Team per Oral Round is determined by adding together the three (3) Written submission judges' scores for the side the Team argued in that respective Oral Round.

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

#### 9.2.1.2 Oral Team Scores

The calculation of the Total Oral Team Score for each Team per Round shall be determined by adding the scores of the three (3) judges for each Speaker. There will be therefore a total of six scores per Team (2 Speakers) per round.

#### 9.2.1.3 Total Team Scores

The Total Team Score for each Round shall be the sum of the Team's Total Written submission Team Scores for that round and the Team's Total Oral Team Score for that round. The Total Competition Team Score is determined by adding the Total Team Scores from each of the four rounds.

### **9.2.2 Round Points**

#### 9.2.2.1 Written submission Round Points

A total of three (3) Round Points may be awarded to written submissions in each Round. The individual written submission judges' scores for each Team participating in a round are compared to that judge's score for the opposing Team. For each comparison, the Team with the higher score will be awarded one (1) Round Point. If a judge rates the Teams equally, the point from that judge shall be split, each Team receiving one-half (.5) of a Judge's Point.

#### 9.2.2.2 Oral Round Points

A total of six (6) Round Points may be awarded for oral argument scores in each Round. The score from each judge's evaluation of the two Speakers combined shall be compared to that judge's score for the two Speakers on the opposing Team. The higher scoring Team per judge per round shall be awarded two (2) Round Points. If a judge scores the Teams equally, the points from that judge are split, each Team receiving one (1) Round Point.

#### 9.2.2.3 Total Round Points

The Total Round Points for each Round shall be the sum of a Team's written submission Round Points and Oral Round Points.

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

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

#### **9.3.1 Written submission scoring for Two (2) Judge Panels**

Written submissions scored by two (2) judge panels shall have a third averaged score added to their total. This third score shall be determined by averaging the scores of the other two (2) Written submission judges. The averaged third score shall be

recorded as the third judge's score, and will be figured as the middle score for purposes of calculating Written submission Round Points.

### **9.3.2 Oral Submission Scoring for Two (2) Judge Panels**

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

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

## **9.4 Determination of Winners and Rankings from Preliminary Rounds**

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

The winner of the round will be determined by Round Points. The Team receiving the greatest number of the nine (9) available Round Points wins the round. In the event that Teams have an equal number of Round Points, the Team with the highest Total Team Score shall be declared the winner of the Round.

### **9.4.2 Total Competition Round Points**

The total number of Round Points obtained by a team in the preliminary rounds shall govern Team rankings.

The Total Competition Round Points are calculated by adding the Total Round Points from the Team's two (2) Rounds.

### **9.4.3 Total Competition Team Scores**

If two (2) Teams are tied after comparing total round points, the Total Team Score then controls and the Team having the highest Total Team Score from the Preliminary Rounds shall be ranked higher. The Total Team Scores are calculated by adding the Team Scores from the Team's two (2) Rounds.

### **9.4.4 Win-loss**

If after comparing the total point teams are still tied, then the win-loss record will govern the rankings. A Team with a win-loss record of 2-0 (2 wins, 0 losses) will rank higher than a Team with a win-loss record of 1-1 (1 win, 1 loss), which will rank higher than a Team with a win-loss record of 0-2, etc.

### **9.4.5 Tie-Breaking Procedure**

If two or more Teams are tied after application of Rule 9.4.4, the rankings shall be accomplished as follows:

- (a) If only two (2) Teams are tied and if the two (2) tied Teams have faced each other in the Preliminary Rounds, the winner of that Round may be ranked higher for purposes of Final Rankings.
- (b) If only two Teams are tied and the Teams have not faced each other in earlier Rounds, and time permits, a special Run-Off Round may be scheduled. The pleading option for such a Round should be determined by coin toss. The coin toss shall be called by the Competition Committee. The winner of such a Round shall be ranked higher for the purposes of Final Rankings.

If none of the methods described herein settles the tie, the Competition Committee shall determine the proper method for establishing official rankings at their discretion, taking into consideration the interests of the Teams and the Competition as a whole.

## **9.5 Scoring Procedures for Advanced Rounds**

The same scoring procedure will be applied in the advanced rounds. The team with the higher round points will be deemed to have won the court. If the round points are tied then the round score will be considered. In case of a tie after consideration of the round score, the team whom a majority of the speaking judges consider better will be declared the winner.

### **9.5.1 Judges' Comments**

Judges are encouraged to provide direct feedback to Teams regarding their performance at the completion of the Oral Round. They shall not engage in any commentary which may reveal the content of the Bench Memorandum or announce the winner of the round.

### **9.6 Winners**

The winner of the Championship Round shall be Champion and the opposing Team shall be recognized as the Runner-Up.

### **9.7 Ranking of Speakers**

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

Speakers shall be ranked from highest to lowest. Ties are permitted except for the purpose of the awards. If a Speaker argued in only one (1) Round, he or she is ineligible for ranking.

### **9.8 Ranking of Written submissions**

Total Written submission Scores for each Team shall be determined by adding the Total Team Score of a Team's Applicant Written submission and the Total Team Score of the Respondent Written submission, six (6) total judges scores. Team Written submissions shall be ranked from the highest Total Written submission Score to the lowest. Ties are permitted in the ranking of Written submissions. Scores shall include Penalties per Rule 13.0.

### **9.9 Reporting of Results**

After the conclusion of each Tournament, each Team participating in such Tournament shall receive the following:

- (a) A copy of individual written submission judges' score sheets and Penalties, if any, with attendant comments, if any;
- (b) A copy of individual oral judge's score sheets and Penalties, if any, with attendant comments, if any, from Preliminary Rounds of the Tournament;
- (c) A copy of the Overall Rankings of the Preliminary Rounds of the Tournament, with the Total accumulated Win-Loss records, Overall Team Scores, and Overall Round Points;
- (d) A copy of the Speaker Rankings from the Preliminary Rounds of the Tournament, including all Total Individual Oral Scores;
- (e) A copy of the Written submission Rankings from the Preliminary Rounds of the Tournament, including all Total Written submission Scores; and
- (f) A summary of the Advanced Rounds of the Tournament.
- (g) A synopsis of the performance of the team in table form, including speaker performances and opposition performances.

## **OFFICIAL RULE 10.0 Penalties**

### **10.1 General Procedure**

The following is a list of Penalties which may be imposed upon Teams in the Competition.

## **10.2 Types of Penalties**

The power of the Competition Committee to assess Penalties is divided into two (2) categories: Non-discretionary (Rule 10.5), and Discretionary (Rule 10.6). Non-discretionary and Discretionary Penalties shall be applied against a Team either as a Generic or Specific Penalty.

Generic Penalties are a general violation and apply against a Team in all of its rounds, e.g. mailing a Written submission late to the Competition Committee.

A Specific Penalty is a specific violation, and shall apply against a Team only in a specific round, e.g. being penalized for disruptive behaviour against one particular Team.

## **10.3 Application of Penalties**

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

## **10.4 Minimum Scores**

The minimum adjusted Team score that any Team may receive from any individual oral or written submission judge is fifty (50) points. No further reduction may be made to scores after the minimum score is reached, regardless of unallocated Penalty points remaining.

## **10.5 Mandatory Penalties**

For the following violations, Penalties will be assessed as a matter of course, without discretion on the part of the Competition Committee.

### **10.5.1 Mandatory Written submission Penalties**

The following Penalties may be imposed only by the Competition Committee and shall be deducted from each of the individual judges' scores on a Team's written submission. In the event that a written submission is scored by only two (2) judges under Rule 9.3, the Penalties shall be deducted from each of the two (2) judge's scores prior to calculating the third score.

In instances where only one written submission is in violation of the Rule, Written submission Penalties may be deducted from the scores of the offending written submission only.

The Competition Committee shall notify all affected Teams of imposed Penalties prior to the first Preliminary Round.

#### **10.5.1.1 Delay in Mailing Written submissions**

Written submissions postmarked after the deadline as designated shall be penalized five (5) points.

#### **10.5.1.2 Extreme Delay in Mailing Written submissions**

Written submissions shall be penalized three (3) points per day, in addition to the initial five (5) points described in Rule 10.5.1.1 for delay up to an additional five (5) days. Written submissions for either the Appellant or Respondent not postmarked within six (6) days of the deadline shall not be submitted for judging, and shall automatically receive a score of fifty (50) Team Points per judge, the minimum score allowed under these Rules.

#### **10.5.1.3 Other Mandatory Written submission Penalties**

Penalties shall be assessed for violations of other Rules concerning the written submissions by reference to the following table:

<b>Rule Number</b>	<b>Summary</b>	<b>Penalty</b>
3.2, para. 2	Indication of team identity in Written Submission	5 points
6.2	Font of inconsistent size, improper line spacing, or improper format of block quotations)	2 points per violating page, up to a total of 10 points
6.3.1	Failure to include all parts of Written submission	5 points for each missing part
6.3.2	Substantive legal argument outside of approved sections of Written submission	5 points
6.4	Excessive length of Pleadings	1 point per 10 words exceeded
6.7	Improper Binding	5 points

### **10.5.2 Mandatory Oral Pleading Penalties**

#### 10.5.2.1 Procedure

The Competition Committee is empowered to impose Mandatory Oral Pleading Penalties based upon consultation with the judges only. If the Competition Committee confirms the occurrence of an event subject to imposition of Mandatory Penalties, the Penalty may be applied. In instances where the judges cannot confirm the occurrence or the judges have provided only written commentary on the occurrence, the Competition Committee shall consult with the affected Teams and courtroom clerk prior to imposing the Penalty.

If a Team believes that a violation of a nature which would incur a Oral Pleading Penalty has occurred, the Team may bring the alleged violation to the attention of the courtroom clerk in writing within five (5) minutes of the completion of the Oral Round during which the alleged violation occurred. Written complaints shall clearly identify the violation and the parties involved in the violation. The Teams shall in no case directly approach the judges regarding a potential Penalty or violation of these Rules. Complaints brought directly to judges shall be disregarded. If there is no clerk, Teams shall approach the Competition Committee with complaints.

#### 10.5.2.2 Consultation with Clerks

The Competition Committee shall consult with the clerk and the judges, to verify or otherwise confirm a Penalty. The clerk shall inform the Competition Committee of the alleged violation. The Competition Committee shall consult with the judges in investigating the alleged violation. If the Competition Committee cannot be located, the clerk shall assist the judges to summarize the complaint and their impressions briefly on paper for the benefit of the Competition Committee. Courtroom clerks may not confirm a ruling or interpret these Rules, but may only provide assistance in verifying circumstances or the occurrence of an event.

### **10.5.3 Activity Subject to Mandatory Penalties**

Penalties shall be assessed for violations of other Rules concerning the Written submissions by reference to the following table:

<b>Rule</b>	<b>Summary</b>	<b>Penalty</b>
7.5	Improper courtroom communications	5 points
7.6.1	Scouting	See Rule 7.6.1 for description of penalty.
7.9	Violation of anonymity in courtroom	15 points

## **10.6 Discretionary Penalties**

### **10.6.1 General Violations**

The Competition Committee may assess up to fifteen (15) point Penalties for violations of these Rules not specifically listed under Mandatory Penalties including, but not limited to, violations as to revisions and form of Written submissions and inappropriate behaviour on the part of Team members or affiliated parties during the Competition. The size of the Penalty shall correspond to the degree of the violation in the judgment of the Competition Committee. Discretionary Penalties shall be imposed only by the Competition Committee. Teams shall bring potential violations to the attention of the Competition Committee in writing.

### **10.6.2 Special Consideration for Oral Rounds**

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

### **10.6.3 Activity Subject to Discretionary Penalties**

#### **10.6.3.1 Unsportsmanlike Behaviour by Team Members or Affiliated Persons**

The Competition Committee may, after consultation with judges, impose up to a fifteen (15) point Penalty against a Team for behaviour which substantially prejudices the conduct of the Tournament, including, but not limited to:

- engaging in poor sportsmanship;
- submitting multiple frivolous complaints against other Teams;
- engaging in inappropriate behaviour at the counsel table during the Oral Rounds;
- engaging in inappropriate discussion with oral pleading judges before their submission of scores at the end of a Round; and
- exhibiting blatant disregard for the procedures or requirements outlined in the Rules.

Activity giving rise to a Penalty for unsportsmanlike conduct in the courtroom must be witnessed by at least the clerk or one judge in the courtroom. In all cases, the Competition Committee shall hear from both Teams, i.e. the Team alleging a violation (or allegedly harmed by a violation) and the Team alleged to have committed the violation, and consult with the clerk, and judges before making a final determination.

Penalties for unsportsmanlike behaviour may be imposed in addition to any other Penalties that may have been imposed under the provisions of these Rules.

#### **10.6.3.2 Activity of Affiliated Persons**

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

For coaches or advisors who are concerned that they may be recognized by judges, concerns may be alleviated by avoiding talking to, sitting near or directly behind either Team and not communicating with either Team in the presence of the judges.

## **10.7 Notice to Teams**

The Competition Committee shall notify Teams of the imposition of such Penalties prior to the beginning of the Preliminary Rounds, if possible, or as soon as practicable if incurred after the beginning of the Preliminary Rounds.

## **10.8 Appeals**

Any penalized Team shall be granted an opportunity to reply to complaints by opposing Teams or Penalties assessed by the Competition Committee prior to a final ruling. The Competition Committee may protect the anonymity of a complaining Team. Appeals of a Penalty assessment or Rules interpretation of the Competition Committee shall be provided to the Grievance Redressal Committee in writing within one (1) hour of notice of the Penalty. The Grievance Redressal Committee's decision on all appeals is final.

## **OFFICIAL RULE 11.0 Interpretation of Rules**

### **11.1 General**

Questions concerning the interpretation of these Rules must be submitted to the Competition Committee.

Clerks, administrative assistants and judges are not authorized to interpret these Rules.

### **11.2 Power to Promulgate Additional Measures**

The Competition Committee may promulgate such other measures as may be deemed advisable for the orderly conduct of the Competition or to correct deficiencies in the Competition.

## **OFFICIAL RULE 12.0. Competition Committee**

The Competition Committee shall be the highest administrative body for the Competition with powers as specified by these rules.

The Competition Committee shall be composed of two members of the Moot Court Society of the National University of Juridical Sciences as well as the Faculty Adviser of the Moot Court Society.

## **OFFICIAL RULE 13.0. Grievance Redressal Committee**

The Grievance Redressal Committee shall be composed of two Senior Professors of the National University of Juridical Sciences. The Grievance Redressal Committee shall deal with all disputes arising out of the competition in accordance with these Rules.

## **OFFICIAL RULE 14.0 Awards**

The following awards will be given in accordance with these rules:

- 1. Champion Team: Rs 30,000**
- 2. Runners Up Team: Rs 20,000**
- 3. Best Speaker: Rs, 15,000**
- 4. Best Written Submissions: 15,000**

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*There will be a presumption that all participating teams have read these rules.*