

John H. Jackson Moot Court Competition The Rules

Preface

The World Trade Organization (WTO) is the only global international organisation dealing with the rules of trade between nations. At its heart are the WTO Agreements, negotiated and signed by the majority of the world's trading nations and ratified by their parliaments. The WTO Agreements cover nearly 98 % of all global trade. The goal of the WTO is to develop trade rules in order to help Members' producers of goods and services, exporters, and importers conduct their business in a facilitated way.

The European Law Students' Association (ELSA) is the world's largest independent, non-profit, non-political association run by and for law students and young lawyers. The ELSA Vision is: "A just world in which there is respect for human dignity and cultural diversity." Contributing to legal education and promoting Human Rights awareness are among the central aims of the association. Through various academically focused projects and events, ELSA provides opportunities for law students and young lawyers to apply theory in practice and to learn about other legal systems. The John H. Jackson Moot Court Competition is the annually held international moot court competition in WTO law owned by ELSA.

In view of these goals, ELSA International seeks to combine its role in on-going action to contribute to Clinical Legal Education globally and the need to support and enhance the development of trade between nations. That is why since 2001, ELSA annually organises an international moot court competition on WTO Law. The John H. Jackson Moot Court Competition (formerly known as the ELSA Moot Court Competition on WTO Law) seeks to educate law students from all over the world to develop their legal and oral presentation skills and to educate the new generation of lawyers in the field international trade law. The competition brings together the brightest students from four corners of the world, WTO experts from legal academia, the WTO Secretariat and international trade law practitioners.



ELSA International has set out the following John H. Jackson Moot Court Competition Rules:

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Abbreviations

- “AB” Academic Board
- “Africa RR” African Regional Round
- “All-America RR” All American Regional Round
- “Asia-Pacific RR” Asian-Pacific Regional Round
- “IWR” International Written Round
- “MENA RR” Middle East and North Africa Regional Round

- “EI” ELSA International
- “ELSA” European Law Students’ Association
- “ELSA RR” ELSA Regional Rounds
- “FOR” Final Oral Round
- “IOC” International Organising Committee
- “OP” Oral Pleading(s)
- “RR” Regional Round(s)
- “RRO” Regional Round Organiser
- “VP EMCC” Vice President in charge of ELSA Moot Court Competitions
- “WS” Written Submissions
- “WTO” World Trade Organization



A. Organisation and Structure

1. Organisation of the Competition

- 1.1. ELSA International has the overall responsibility of the organisation of the competition. The World Trade Organization offers ELSA International technical and academic support.
- 1.2. The Vice President in charge of ELSA Moot Court Competitions, acting on behalf of ELSA International shall be the Head of the organisation of the John H. Jackson Moot Court Competition and in this role the person responsible overall for the competition.
- 1.3. ELSA International will appoint hosts for the various Regional Rounds which will have the responsibility for organising those Rounds.
- 1.4. ELSA International will be overall responsible for organising the Final Oral Round in cooperation with an International Organising Committee.
- 1.5. The Academic Board appointed by ELSA International shall be in charge of ensuring the high quality of the competition as well as advising VP EMCC on matters of Rules, Management, and Finances. Their responsibilities include, but are not limited to, the following
 - a) Academics:
 - i. Review the responses to the call for case authors and provide ELSA International with advice on the selection of the case author and the topic of The Case of the John H. Jackson Moot Court Competition;
 - ii. Provide support to the case author by reviewing the case for legal and stylistic improvement; including reviewing the bench memo, score sheet, and clarification responses.



- iii. Select Panellists for scoring the written submissions (WS) of the Regional Round (RR) and the Final Oral Round (FOR), and for the oral pleadings of the various RRs and the FOR.
- iv. Manage the distribution of written submissions for judging and the receipt of the scores.
- b) Rules:
 - v. Annually make recommendations on changes in the Rules.
 - vi. Give advisory opinions to ELSA International in response to questions from participants (teams, coaches, regional round organizers) on interpretation of the existing rules or requests for waivers of the Rules.
 - vii. Advise and review any guidelines issued by ELSA International as an interpretation or guidance based on the rules – such as guidelines for panellists or participants.
- c) Provide guidance and advice to the VP EMCC, upon request, with respect to selection of regional round hosts, logistical arrangements, fee structures and financial aid packages, and fundraising. Receive feedback from sponsors on compliance with contractual and financial transparency obligations.

1.6 ELSA International has the right to develop and interpret the existing rules as well as issue additional rules and updates which will be applicable immediately. All rules come into force once they are published on the website.

1.7 ELSA International will define a timeline for the competition which will be binding.

1.8 ELSA International owns the intellectual property rights of all the documents of the competition.



2. Structure of the Competition

- 2.1 The competition will be entirely held in the English language.
- 2.2 The competition is divided into two rounds: the Selection Rounds and the Final Oral Round.
- 2.3 The Selection Rounds, which will either take place through an International Written Round or a Regional Round, shall function as a selection round with the aim of selecting the teams for the Final Oral Round.
- 2.4 National Groups of ELSA or non-ELSA member countries may organise National Rounds in their respective Country after consultation with ELSA International and the approval of the Vice President in charge of ELSA Moot Court Competitions of ELSA International. The winning teams will not be considered to qualify to participate in the respective RRs.
- 2.5 ELSA International will publish the allocation, date and venue of the various Regional Rounds prior to registration deadline.
- 2.6 The teams will be allocated to the IWR or one of the RRs according to the following list:

(1) European Regional Rounds

Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, Moldova, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Romania,



Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, and the United Kingdom.

(2) All-American Regional Round

I. Anglophone America

Antigua and Barbuda, Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent & the Grenadines, Trinidad and Tobago and the United States of America.

II. Latin America

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, México, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela.

(3) Asian-Pacific Regional Round

I. East Asia and Oceania

Australia, Bhutan, Brunei-Darussalam, Cambodia, Chinese Taipei (Taiwan), Fiji, Hong Kong, Indonesia, Japan, Laos, Macau China, Malaysia, Mongolia, Myanmar, New Zealand, Papua New Guinea, Philippines, People's Republic of China, Republic of (South) Korea, Singapore, Solomon Islands, Thailand, Tonga, Vanuatu and Vietnam.

II. West and South Asia

Afghanistan, Bangladesh, India, Kyrgyz Republic, Maldives, Nepal, Pakistan, Sri Lanka, Tajikistan, and Uzbekistan.

(4) African Regional Round

Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Cape Verde, Chad, Comoros, Democratic Republic of Congo, Republic of the Congo, Côte d'Ivoire, Djibouti, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tomé



Principe, Senegal, Sierra Leone, Somalia, South Africa, South Sudan, Seychelles, Swaziland, Tanzania, Togo, Uganda, Zambia, and Zimbabwe.

(5) Middle East and North Africa Round

Algeria, Kingdom of Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanese Republic, Libya, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen.

(6) International Written Round

2.7 Teams from any country not listed above may apply to ELSA International to be allocated to a specific regional round. In case a RR of the aforementioned list does not take place, the teams that would have been allocated to that round will either be allocated to another RR or an international written round (IWR).

2.8 An IWR will only take place if there are more than 2 teams allocated to said round. Teams seeking to qualify for the FOR through an IWR must satisfy a minimum score on the written submissions. The minimum score is determined by averaging the written submission scores of the teams that qualify for the FOR from the RRs. No more than two teams shall progress to the FOR from an IWR.

2.9 ELSA International will determine the number of teams qualifying for the FOR from each RR. However, from the RRs, at least the winning team and runner-up will progress. ELSA International reserves the right to select the team with the highest score to qualify to the FOR, in a case of an uneven number of teams qualifying to the FOR.

2.10 The Regional Rounds shall have at least three stages: Preliminary Rounds, Semi- Finals and the Grand Final. The Final Oral Round shall also include a Quarter Final. ELSA International reserves the right to add additional



elimination rounds, based on the number of teams in the Round.

2.11 The Quarter Final Rounds will be held as follows:

- (1) The teams ranked as the eight (8) best teams out of the Preliminary Rounds will qualify for the Quarter Finals.
- (2) The match-up of the teams in Quarter Final will be based on their rankings by Overall Score. The team with the highest (1st) Overall Score will plead against the Team with the eighth (8th), second (2nd) place team against seventh (7th) place, third (3rd) place against sixth (6th) place, and fourth (4th) place against fifth (5th).
- (3) The four (4) winning teams of the Quarter Finals will qualify for the Semi-Final Rounds.

2.12 The Semi-Final Round will be held as follows:

- (1) The four best teams either from the Preliminary Round or the Quarter Final Round will qualify for the Semi-Final Rounds.
- (2) In Semi-Final #1 the Team with the highest (1st) Overall Score will plead against the Team with the fourth (4th) highest Overall Score.
- (3) In Semi-Final #2 the Team with the second (2nd) Overall score will plead against the Team with the third (3rd) highest Overall score.
- (4) The winning teams of each Semi-Final Round will advance to the Grand Final.



3. The Panel

- 3.1. The competition relies on international trade law experts appointed by ELSA International upon selection by the Academic Board to score the written submissions and the oral pleadings. These individuals are referred to as Panellists.
- 3.2. In selecting panellists, for both the written submissions and oral pleadings ELSA International and the Academic Board will bear in mind the desire to have diversity based on gender, race, and national origin. In composing panels for the oral pleadings, RROs and ELSA International will make an effort to ensure a diverse Panel composition.
- 3.3. A minimum of two Panellists will examine and score the WS according to certain scoring and marking guidelines. The scores of the panellists will be averaged to determine the total score for the WS.
- 3.4. For the Oral Pleadings, the Panel shall always have an odd number of persons sitting on it as follows:
 - a) Preliminary Rounds three (3) panellists
 - b) Quarter Final Rounds three (3) panellists
 - c) Semi-Finals
 - i. Regional Round: three (3) or five (5) panellists
 - ii. Final Oral Round: five (5) to seven (7) panellists
 - d) Grand Final
 - i. Regional Round: five (5) to seven (7) panellists
 - ii. Final Oral Round: seven (7) to (9) panellists.



3.5. The Panel shall pose questions to the teams at any time during the pleading.

3.6. Panellists' obligations:

- a) The Panellists shall not provide support or advice of any kind to any participating team or any coach before, during or after the competition commences, and shall disclose the existence of a conflict of interest with any of the teams. Teams receiving support or advice from a Panellist will be disqualified.
- b) Panellists must keep the contents of the Bench Memorandum strictly confidential and not share any aspects of it any form with teams and coaches throughout the competition.
- c) A Panellist shall not mark a written submission if it has become apparent to them which team they are marking. If a team has identified itself in its written submission or a panellist knows the team number of a particular team, they shall inform ELSA International immediately and cease to mark the submission.
- d) A Panellist shall not participate in an oral pleading where it is considered they have a conflict of interest. This may mean that a Panellist will not be permitted to judge a specific RR or at the FOR, if the team that gave rise to the conflict is competing.

3.7. A "Conflict of Interest" means an affiliation which would, in the eyes of a reasonable observer, create an inference that the affiliated Panellist would be unable to be impartial as to the conduct or result of the Oral Round. Affiliation means a personal or professional relationship between a Panellist and a school, coach, or Team member that is participating in the competition in which the Panellist is participating.

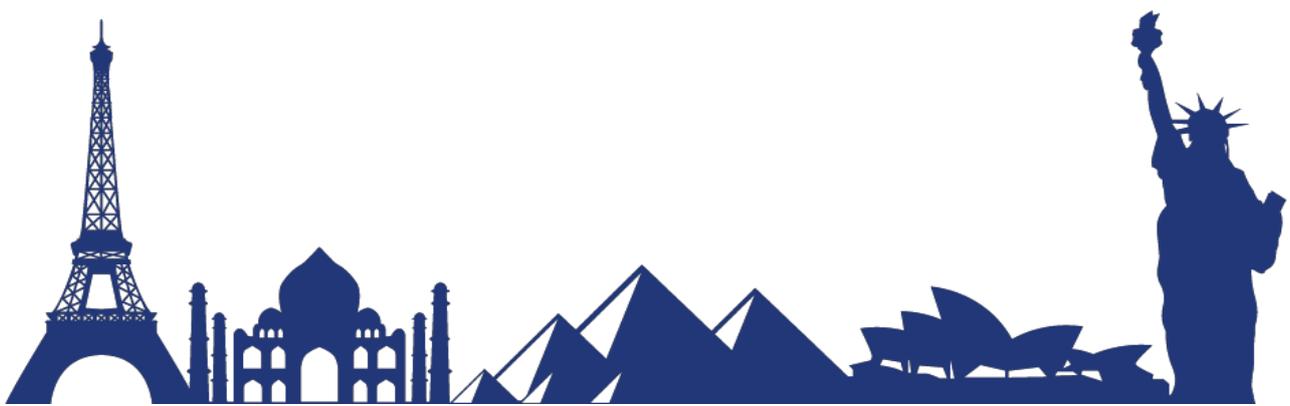


3.8. Conflict of Interest DOES NOT arise when:

- a) the Panellist knows one or both coaches, either because of professional or personal affiliation, prior participation in moot court competitions, or other reasons;
- b) the Panellist is an alumnus of one of the schools participating in the Oral Round;
- c) the Panellist is an employee of one of the schools participating in the Oral Round where such employment is sufficiently remote from the activities of the Team as to dispel any reasonable suspicion of partiality;
- d) the Panellist is from the same country as a team that he/she is scoring.

4. Timekeepers

4.1. Timekeepers are responsible for recording the time allocations notified by the Teams, and any extensions awarded by the Panel Chair. Timekeepers will notify the time remaining for every individual orator, including extension times, both to the Panel and to the two Team.



B. The Competition

1. Team Composition

- 1.1 In order to take part in the competition, a team must be composed of students attending a university or law faculty located in a Member State of ELSA or a current or acceding Members or observers to the WTO. If the university has a campus in another country, the team representing the university is allowed to enter as well. If a university has more than one law faculties, each faculty may be represented by a team.
- 1.2 There shall only be one (1) team per university or law faculty because the team will be representing it. If different independent universities are located in the same city, each may send a separate team. However, all team members must be from the same university or law faculty. If more than one team per university or law faculty will register, the university or law faculty shall select the participating team.
- 1.3 Only students from a university or law faculty awarding a law degree, not a doctoral program, are allowed to participate.
- 1.4 Each Team is allowed to register only two (2) coaches.
- 1.5 The team shall consist of 2-4 law students. Students being on exchange in another country are eligible to participate as part of their foreign university.
- 1.6 The teams shall submit their team composition via the registration form.
- 1.7 Although the students must do all the research of the written memoranda themselves – without assistance from anyone who is not a student member of the team- faculty, advisors, and coaches may help identify the issues,



comment on the persuasiveness of the arguments the students have made in drafts and, when necessary, suggest other arguments the students might consider employing, as well as assist in linguistic matters. However, the final product must be the students' – not the coaches'. Teams not obeying this rule will be disqualified.

1.8 Registered Team Members from one Team are permitted to engage in practice moots amongst themselves and within their own institutions. Any assistance given in this phase shall also be limited to a general discussion of the issues, linguistic help and training in presentation skills.

1.9 The following students will be excluded or disqualified:

- (1) The student is involved in the current organisation of the John H. Jackson Moot Court Competition;
- (2) The student has previously participated in the John H. Jackson Moot Court Competition, unless the team was kept from participating because of external complications, such as force majeure or visa issues, or the student was a member of a registered team which withdrew or was disqualified from a previous edition with the exception of teams and team members which were caught cheating;
- (3) The student was a member of a registered team and the team withdraws or is disqualified;
- (4) The student is not enrolled in the university;
- (5) Students who have been/are engaged in the practice of law. The practice of law implies a significant amount of professional activity in functions such as judge, law professor or teacher, advocate lawyer, attorney, barrister, solicitor, notary, bailiff, or corporate legal officer. Practice of law entails activities such as pleadings before domestic or international courts, arbitral tribunals or other



dispute resolution institutions, including those with a mediation or conciliation function. One, but not the sole indication of activities relevant for this rule is that the activity at issue is normally undertaken only by admitted legal practitioners, even if it can technically also be performed by non-admitted legal practitioners.

(6) Student employment during holiday periods or as part of the academic programme that is typically undertaken by law students (such as internships of up to 3 months of duration in law firms and other legal institutions or legal assistance clinics run by law schools or volunteer work) shall normally not be regarded as having been or engaging in the practice of law. However, teams should consult the ELSA International representative in case of any doubts, in particular in cases of professional activities outside of holiday periods, so as to avoid subsequent disqualification.

1.10 A student who would be excluded or disqualified because any of the criteria above, is not subject to such exclusion or disqualification if the situation arises after the Commencement of Rounds date listed in the timeline.

1.11 Students or team coaches/administrators may apply for an exemption from the aforementioned rules by email to ELSA International and the Academic Board before the stated registration deadline. Team Members, and Team Coaches are prohibited from engaging in communication with a Panellist or individual members of the Academic Board on such requests.

2. Registration and Fees

2.1 Teams have to fill in a team registration form and have to pay the registration fee before the beginning of actual pleading rounds in order to be fully registered to the competition. ELSA International will provide the teams with a confirmation of their registration.



- 2.2 Once the team has filled in the registration form, the team composition shall not be changed after the registration deadline. However, ELSA International may consider such a change in exceptional circumstances upon detailed request and additional costs may be applicable. The team composition does not include the Team Coach(es) who are subject to different rules.
- 2.3 Contact details may be provided to the John H. Jackson Moot Court Competition Sponsors. Registered team members can expect to receive communications from the John H. Jackson Moot Court Competition Sponsors, regarding their career opportunities. Contact details of registered teams will be treated according to the [Privacy Policy](#). ELSA International undertakes to handle all information provided to it under the applicable rules of the European Union (i.e., GDPR). Teams may consult the privacy policy set forth on the registration form in terms of who their data may be shared with and for what purpose.
- 2.4 The registered teams have to pay a competition fee which consists of the registration and the participation fee. The registration fee has to be paid to ELSA International, the participation fee has to be paid to the respective Regional Round Organiser. The teams have to bear the costs for any bank transfers.
- 2.5 Each team completing the full registration will have to pay a non-refundable registration fee for the admission to enter the competition. The registration fee is 250 Euro for one team, not dependent on the allocation to a Regional Round or the IWR.
- 2.6 The teams will have to pay a participation fee for each team member for the taking part at the RR and, if qualified, for the FOR. This fee covers: items such as the social program, and administration costs. The amount of the fee will be announced on the website of the John H. Jackson Moot Court Competition. The teams also bear the cost of any bank transfer fees. Cancellations must be in writing to ELSA International and it is at the



discretion of ELSA International whether to refund these fees.

2.7 Team coaches will have to pay the participation fee. Only two (2) coaches can attend the Regional Rounds and the Final Oral Round with their team.

3. Team Identification and Anonymity Rule

3.1 After submitting the registration form, ELSA International will issue a team number. All communication must be made in reference to this team number.

3.2 According to the anonymity rule, the Panellists (not including other teams, coaches or self-marketing on social platforms) shall not be aware of any details or information regarding the registered teams' universities, law faculties or countries of origin. Coaches and teams should be careful not to disclose their identities or that of their schools to the Panellists. They are only allowed to reveal their team numbers to the panels.

3.3 For breaches of the Anonymity Rule that occur in or outside of the Oral Pleading Session, ELSA International will impose a penalty ranging from the reduction of points from the team's Overall Score to disqualifying the team, as appropriate to the circumstances.

4. The Case and the Timeline

4.1 ELSA International upon recommendation of the Academic Board will appoint an individual international trade law expert to be the Case Author. The Case will reflect one or more international trade law issues. The case author must maintain his/her independence and impartiality and not engage in any conduct giving rise to a conflict of interest.

4.2 The competition will be launched with the publication of the Case on the website according to the timeline. The same Case has to be used throughout the entire competition.



4.3 ELSA International will issue a timeline of the competition which is binding in accordance with these rules. The timeline will be published on the website.

4.4 Teams may submit a maximum of five (5) clarification questions to the case author within the indicated clarifications deadline.

5. The Written Submissions

5.1 Registered teams must send one Written Submission for the Complainant and one Written Submission for the Respondent (two separate Written Submissions in total). Guidelines for WS can be found on the website.

5.2 The WS have to be submitted as electronic copies only in word document format. The 'protect document' function may be used. The title of this electronic document shall include the party and team number. (e.g. JHJMCC_Team014_ComplainantWS_20162017.doc)

5.3 If a team does not send in their WS within the deadline, penalty points will be given. If they are not sent in maximum three (3) days after the deadline, the team will be disqualified.

5.4 Any modification of the WS after submitting them to ELSA International is not permitted.

5.5 ELSA International will own the copyright on the WS after it is submitted.

5.6 The WS shall be written under the following instructions:

- A4 size paper
- Font: Times New Roman



- Font Size: 12
- Kerning is not permitted
- Margins of 2.54 cm on top, bottom and both sides
- 1.5 interlinear space for the text

5.7 Footnotes shall be in Times New Roman, font 10 point and used for legal references only. They shall not contain any additional substantive parts of the pleadings.

5.8 The WS shall contain the following:

- (1) General Part;
- (2) A cover page (with the given team number, the name of the case and type of document);
- (3) A table of contents;
- (4) A list of references;
- (5) A list of abbreviation;
- (6) Substantive Part;
 - i. A summary;
 - ii. A statement of facts (brief description);
 - iii. Identification of the measures at issue (factual case measures referred to as a violation or as a defence);
 - iv. Legal Pleadings (detailed explanation);
 - v. Request for Findings (specific request what the Panel should find).



5.9 Each Submission shall not exceed 35 pages, not including the cover page. The following lengths of each part have to be obeyed:

- (1) Table of Contents, List of References and List of Abbreviations - maximum ten (10) pages;
- (2) Statement of Facts – one (1) page;
- (3) Summary - two (2) pages;
- (4) Identification of the Measures at Issue and Legal Pleadings – maximum twenty (20) pages;
- (5) Request for Findings – two (2) pages.

5.5 The Academic Board and ELSA International will oversee the scoring of the WS by the selected Panellists. Each of the WS shall be assessed by a minimum of two (2) Panellists.

5.6 The WS will be scored on the following criteria:

- (1) Analysis of the legal issues, 60%;
- (2) Argumentation and writing style, 40%.

5.7 The maximum score is 50 points per WS.

5.8 30 % of the total scores of both WS will be used for the team ranking in the preliminary rounds.

5.9 The penalty system can be found in Section 7.

5.10 The scores of the Selection Rounds and the FOR are in the sole possession of ELSA International. The final scores will be published after the FOR has been concluded.



6. The Oral Pleadings

- 6.1 Each team shall present their oral arguments for the Complainant and the Respondent. The pleadings shall be held in sitting. The scope of the OP of a team does not depend on the scope of the WS.
- 6.2 The Vice President in charge of ELSA Moot Court Competitions shall establish the pairings for the Preliminary Rounds by a random draw. The Vice President in charge of ELSA Moot Court Competitions may modify this random draw to ensure geographic and competitive diversity and balance.
- 6.3 Each team is granted a total forty-five (45) minutes, during which time they present their main oral pleading and address the questions asked by the Panel. The Team Appearance is not included in this time and shall be done at the beginning of each pleading session by teams following the instructions of the Panel chair. In addition, each team is granted five (5) minutes to present their rebuttal/sur-rebuttal.
- 6.4 Prior to the beginning of their pleadings, each Team must indicate to the timekeepers how it wishes to allocate its forty-five (45) minutes of main pleading time among its orators. In addition, the Complainant Team must indicate how it wishes to allocate its five (5) minutes of rebuttal and the Respondent Team must indicate how it wishes to allocate its five (5) minutes of sur-rebuttal. Only one person can present the rebuttal/sur-rebuttal.
- 6.5 A Team may not allocate more than twenty-five (25) minutes of their main pleading time to any orator. Time allocated for, but not used by one orator, may not be used by another orator during their pleading, or in the rebuttal or sur-rebuttal.
- 6.6 A Complainant orator may ask for an extension at the end of his/her pleading time. The Panel Chair will decide whether to award an extension, in consultation with the other Panellists. A maximum of two (2) minutes may be



awarded to any given orator. The Respondent Team has a right to ask for an extension time equal to that used by the Complainant Team. This time, however, is NOT automatically awarded to the Respondent Team but only upon request at the end of a Respondent orator's allocated time. This extension time can be freely divided between the Respondent orators, without the 2 min. per person restriction. However, each orator can ask for extension only once. If all the extended time is used up, Respondent orators are not entitled to any other extensions.

6.7 No extensions are permitted during rebuttal or sur-rebuttal.

6.8 A minimum of two (2) and a maximum of three (3) team members shall present the main oral pleading. Each Orator must at least speak seven (7) minutes during the main OP. Each Orator must present oral pleadings for the Complainant and the Respondent in the Preliminary Rounds, to be eligible for the Best Orator's award.

6.9 The team captain shall introduce all the team members and the nominated Orators within the Team Appearance. This time is not included in the main oral pleading time. However, the Team Appearance should not exceed more than 3 minutes.

6.10 Only the nominated Orators may answer questions from the Panel during the main oral pleading. This needs to be done during the allocated speaking time.

6.11 Each Team shall be given a maximum of five (5) minutes to present its rebuttal or sur-rebuttal, including the time to address the Panel's questions.

6.12 Only one team member, nominated during the team appearance, shall present the rebuttal or sur-rebuttal and answer the Panels' questions. The scope of the Complainant's rebuttal is limited to the issues raised in the Respondent's main oral pleadings and Respondent's sur-rebuttal is limited to the issues raised in the Complainant's rebuttal.



6.13 The order of the presentations during the OP can be found in the guidelines for the OP on the website. The teams are free to address the issues raised in the Case in any order.

6.14 The teams will be ranked according to the total score of their OP (70 %) and their WS (30 %) in the Preliminary Rounds. In case of a tie in the ranking, the team with the higher WS score will advance to the elimination rounds (Quarter Finals or Semi-Finals as applicable). In the case of a tie in an elimination round, the team that was ranked higher by a majority of the panellists will advance.

6.15 The role of the teams in the Preliminary Rounds will be determined by the draw. The role of the teams in the elimination rounds will be determined by a coin toss by ELSA International. The highest ranked team will call the coin toss. If the teams have pleaded against each other before, they will plead for the opposite party.

6.16 The scores of the OP will be made on the following criteria:

- (1) Legal Analysis – 60%
- (2) Argumentation and Style – 40%

6.17 The maximum score is 50 points divided accordingly:

- (1) Legal Analysis – 1-6 poor, 7-12 fair, 13-18 good, 19-24 very good, 25-30 excellent).
- (2) Argumentation and Style – 1-4 poor, 5-8 fair, 9-12 good, 13-16 very good, 17-20 excellent.

6.18 During the preliminary rounds and the Quarter Finals, only the Panel and other Panellists, the timekeepers, the teams, the team coaches and supporters, organisers and ELSA International are allowed to be present in the pleading rooms. The Semi-Finals and the Grand Finals are open to the public.



- 6.19 Teams shall not present any visual aids or presentations or documents, treaties, other legislation, amicus curia briefs, hand-outs to the other teams and the Panel.
- 6.20 Teams may use one (1) device for the inquiry of information only. One (1) additional device may be used for timekeeping. The use of internet is not allowed. Recording of notes on the laptops, during the OP is prohibited. The Panel has the right to issue penalty points in case of disturbance due to the use of the laptop.

7. Penalty System

Action	Penalty Points
Exceeds the maximum length of Table of Contents, List of References and list of abbreviations	0,5 per page
Exceeds the maximum length of Statement of Facts	0,5 per page
Exceeds the maximum length of Summary	0,5 per page
Exceeds the maximum length of Identification of WTO Measures at Issue and Legal Pleadings	0,5 per page



Exceeds the maximum length of Request for Findings	0,5 per page
Failure to use A4 electronic page	0,5
Failure to use correct Font	0,5
Failure to use correct Font size	0,5
Applied “kerning” to the document	0,5
Failure to use correct Inter-liner Spacing in main text	0,5
Failure to use correct Page margin	0,5
Failure to use team Number or Team identifies itself by name	1,5
Failure to use the name of the Case	0,5
Failure to use correct front cover as per Appendix B	0,5



Failure to correctly identify the document of the party (e.g. Complainant WS)	0,5
Failure to use correct Page Numbering in the General Section	0,5
Failure to use correct Page Numbering in the Substantive Section	0,5
Failure to meet the Form requirements of the footnotes	0,5 per infraction
Includes pleadings in the footnotes	0,5 per infraction
Electronic copy of Written Submissions dispatched in wrong format. Additionally, team will be asked to send their WS in the right format.	1,5 per WS
One (1) day delay in dispatch of documents	0,5
Two (2) days delay in dispatch of documents	1,5



Three (3) days delay in dispatch of documents	2,5
Four (4) days delay in dispatch of documents	Team Disqualified

8. Awards

8.1 The following awards will be given to the participating teams at every RRs and the FOR. Only the teams qualified for the FOR are eligible for the awards given during it. ELSA may also provide awards to the runner up to each of the award (3)–(8). Additional awards may be added throughout the Competitions duration.

- (1) The Winner.
- (2) The Runner-up.
- (3) The Best Overall Written Submissions (combined scores of the Complainant and Respondent WS as well as the penalty points).
- (4) The Best Complainant's Written Submission – *The Gabrielle Marceau Award*.
- (5) The Best Respondent's Written Submission – *The Valerie Hughes Award*.
- (6) The Best Orator of the Preliminary Rounds (each Orator must present oral pleadings for the Complainant and the Respondent to be entitled for the prize).
- (7) Best Orator of the Quarter-Finals.
- (8) The Best Orator of the Semi-Finals.
- (9) The Best Orator of the Grand Final – *The Werner Zdouc Award*.



C. Appendixes

The Appendixes are an addition to the official rules and thus, binding.

Appendix A – Competition Timeline

Appendix B – Written Submission Cover Example

Appendix C – Guidelines for Written Submissions

Appendix D – Guidelines for Oral Pleadings

Jakub Kacerek



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ELSA International 2019/2020

