

Amendment to the Rules for Virtual Oral Round

Netiquette

The moot court will be hosted on the Electronic Learning Platform of the University of Antwerp: Blackboard Collaborate. This environment is very similar to other platforms such as Zoom.

Teams are allowed to invite spectators by sharing the guest link on the schedule.

Team members, coaches and spectators are required to identify themselves properly when entering the session (first name and last name).

In order to assure a good sound quality, everybody is requested to mute his or her microphone when not speaking. You can ask the floor via the Moderator of the session (usually all judges will act as moderator of the session). You can catch the attention of the Moderator by using the 'raise hand' option in Blackboard Collaborate.

The four team members and the coach are requested to keep their webcams on during the whole session.

Blackboard Collaborate allows users to add profile pictures. This is allowed, but not required.

With the permission of the teams and the judges, we would like to record some of the sessions and use them as promotional material for future editions of the moot court.

Most technical difficulties can be resolved by leaving the session and joining again. In case of continuing technical difficulties you can contact professor Kruger (+32 495 87 34 93) or professor Rutten (+32 498 08 60 67) by phone.

VII. ORAL ROUND

16. Team Selection

16.1. If the number of teams that participated in the written round exceeds the organisational capacity of the Oral Round, only the teams with the highest score shall qualify for the Oral Round. This rule is only to be applied in last resort. The OT shall attempt to include in the Oral Round all teams who submitted their memorials on time.

17. The Oral Arguments

17.1. Each team shall prepare an oral argument for the Applicant and an oral argument for the Respondent. The oral arguments shall be presented in English. During the general rounds each team shall present an oral argument in four (4) of the sessions of the general rounds: twice as Applicant and twice as Respondent. Per session of the preliminary rounds, two team members shall present the team's oral argument for the Applicant or for the Respondent.

17.2. In each oral round the teams shall be assigned a side (Applicant or Respondent) to represent. This will be randomly assigned but made to assure that teams will represent each side twice over the entire general round. The memorials of the other teams are not sent beforehand to the opposing team.

17.3. Teams are expected to plead primarily on private international law issues. Specific instructions shall be provided within the case.

17.4. Each oral round consists of 80 minutes of oral pleadings. Applicant and Respondent are each allotted 40 minutes. At the beginning of each session, each team must indicate to the Timekeeper how it wishes to allocate its 40 minutes among (a) its first pleader, (b) its second pleader, and (c) rebuttal (for Applicant) or sur-rebuttal (for Respondent). The team may not allocate more than 25 minutes, including rebuttal or sur-rebuttal, to either pleader. Time allocated for but not used by one pleader may not be used by the other pleader or saved for rebuttal or sur-rebuttal. Any team member may act as a pleader during any round of the Competition, and need not always argue the same side.

17.5. The order of the pleadings in each oral round at all levels of the Competition is:

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

Time not used in the main pleading may not extend the time allocated to rebuttal or surrebuttal.

17.6. The scope of a counsel's pleadings is not limited to the scope of their submitted memorial. The scope of the Applicant's rebuttal is limited to the scope of the Respondent's pleadings proper and the scope of the Respondent's rebuttal is limited to the scope of the Applicant's rebuttal. Failure to keep within these limitations shall be taken into account by the Court judging the session.

18. Number of Pleaders

18.1. Each team must have two and only two pleaders during each session.

18.2. Both pleader must participate in their team's oral submissions, dividing the team's speaking time amongst themselves to two more or less equal time slots.

18.3. The third and the fourth team member may ~~sit at the team's table at~~ be present in each session as silent researchers. Oral participation of the researchers during the pleadings is strictly forbidden and may be penalised by deduction of points under the discretion of the Executive Secretary if reported by the Court as having a negative impact on the proceedings. The researchers are allowed to ~~pass documentation or notes to the pleaders~~ communicate with the other team members by making use of the private chat function of Blackboard Collaborate. Any communication between the coach and the team is forbidden during the session.

18.4. If the coach attends the pleadings, they must be seated behind their team in order to avoid any contact between the team and the coach during the session.

19. Prohibition of Scouting

19.1. None of the team members or coaches of the team, shall be allowed to attend any sessions other than those in which the team is pleading.

19bis. Prohibition of Using Electronic Devices During a Session

19bis.1. The use of electronic sources or any form of (electronic) communication other than Blackboard Collaborate is prohibited during the pleadings of a team. The four team members are

requested to keep their webcams on during the whole session, in order to allow the Timekeeper to control this prohibition.

19bis.2. Notes for the pleading, legal texts and textbooks can be at the speaker's disposal and shall be clearly visible at the lawyers table.

20. Spectators

20.1. The presence of team coaches or other spectators affiliated with the team is permitted in the courtroom during an Oral Round in which the Team is competing. Teams are responsible for ensuring that their spectators do not engage in any disruptive behaviour, and shall ensure that spectators do not disclose to judges the identity of their institution or country. The spectators must refrain from any comments or extravagant facial expressions, as these may be interpreted as influence of the judges.

20.2. No oral or written communication may take place between the team table and any member of the audience during the session in which that team presents its oral argument, or rebuttal.

21. Questions from the Court

21.1. Members of the Court are invited and encouraged to question the pleader on any point of the argument. They may interrupt pleaders or they may use the 'raise hand' option in Blackboard Collaborate. There are significant differences in style dependent both on individual personalities and on perceptions of the role of a judge in oral argument. Some judges may interrupt a presentation with persistent or even aggressive questioning. Others may listen to an entire argument without asking any questions. Therefore, teams should be prepared for both styles of sessions.

21.2. Judges must be aware of the fact that the time taken up by questions and replies counts against the allocated time of forty (40) minutes per team.

22. Duration of Oral Presentation and Time Keeping

22.1. The pleadings of each team composes, in principle, of forty (40) minutes. The team should allocate equitably the time available to the two individual counsels. Pleaders should be concise in their replies to questions. The time taken up by questions and replies counts against your time allocation.

22.2. The Timekeeper shall indicate (signs 5, 1, 0) the last minutes of the time allocated to the speaker making use of the chat function in Blackboard Collaborate and will inform the Court when the available time has expired. The Court, taking notice of the Timekeeper's advice, may exceed the time limits stated so long as neither team is allowed more than forty-five (45) minutes to present its argument, including the time necessary to answer the questions of the tribunal. It will be the responsibility of the Court to ensure that the teams are treated fairly.

22.3. The Timekeeper shall be in charge of checking a team's order of pleaders and speaking time of each pleader.

23. The Judging of the Oral Arguments

23.1. The oral arguments shall be judged by a Court consisting of three Judges, with a minimum of two Judges.

23.2. Scores are rewarded out of a maximum of 25 points per speaker. Scores are allocated as follows:

- i. Organization, structure, and analysis of the issues: (5 points)
- ii. Use of facts and legal principles: (5 points)

- iii. Use of authorities and citations: (5 points)
- iv. Persuasiveness, ingenuity, logic and reasoning: (5 points)
- v. Presentation: (5 points)

23.3. At the end of each round, each judge completes a separate score sheet. Per judge the team with the higher total score shall earn a win (1 point). In case of a tie in points between two teams, each team earns a draw (0,5 point). As the Bench is composed out of three judges, a team can earn maximum 3 points during each round. The judges may not award a draw in the semi-finals or final round, but have to deliberate in order to decide on a winner.

23.4. After the general rounds in which each team pleaded 4 times according to Article 17.1 of the Rules, the 4 teams with the highest number of points based on the overall wins and draws (on a maximum of 12 wins, i.e. 12 points) shall participate in the semi-final round. The winners of each semi-final shall then proceed to participate in the final round.

In case of a tie in the number of overall wins between teams, the team with the highest number of total speaker scores shall be selected, and in case of a tie in total speaker scores, the team with the highest score on their written memorials shall be selected. If this still provides no winner, teams shall be selected by the flip of a coin.

VIII. AWARDS

24. Certificate of Participation

24.1. Every participating team will be issued a Certificate of Participation.

25. Best Written Pleadings Award

25.1. The winner of the Best Written Pleadings Award shall be the team having received the highest scores for their written memorial.

26. Best Pleader Award

26.1. The Bench may award a Best Pleader of the Preliminary Round award. The winner of this award shall be the person acting as either Applicant or Respondent with the highest average individual score in the preliminary round.

26.2. To be considered for this award, a speaker must argue in at least two pleadings and for at least fifteen minutes per pleading, throughout the Competition.

27. Winning Team

27.1. The Winning Team shall be the winning team of the final round. The Winning Team shall receive an award, further information about the award shall be published each year before the competition.