

Australia and New Zealand Air Law Moot Competition

2017 Rules of Procedure



PART I MOOT ORGANISATION AND PARTICIPATION	2
Article 1 Preamble	2
Article 2 Organisation	2
Article 3 Participation and Eligibility	2
Article 4 Composition and Registration of Teams	2
Article 5 The Moot Case and Clarifications	3
Article 6 Outside Assistance prohibited	4
PART II THE WRITTEN MEMORIALS	4
Article 7 Formatting the written memorials	4
Cover page and team number	6
Citations	6
Plagiarism	6
Article 8 Submission of Memorials	6
Article 9 Judging the Memorials – The Competition Board of Review	7
Article 10 Scoring of Memorials	7
Best written memorial awards	8
PART III THE ORAL ARGUMENTS	8
Article 11 Rules Governing the Oral Arguments	8
Rebuttal and Surrebuttal	9
Time limits for the oral arguments	9
Article 12 Judging the Oral Arguments	10
The Moot Court	10
Scoring by the Members of the Moot Court	10
Article 13 Best Oralist Award	11
PART IV THE GRAND FINAL	11
Article 14 Grand Final Round	11

Article 16 The Winner	11
PART V REGULATION OF THE COMPETITION	12
Article 17 Imposition of penalties and powers of the Committee	12
Article 18 Penalties	12
ANNEX I DECLARATION OF AUTHENTICITY	14

Part I Moot Organisation and Participation

Article 1 Preamble

[1] The present Rules govern the procedure of the Australia and New Zealand Air Law Moot Competition 2017 (hereinafter “The Competition” or “ANZALM”).

Article 2 Organisation

[2] The University of Adelaide (UoA) Law School is responsible for hosting the 2017 ANZALM in conjunction with International Aerospace Law & Policy Group (IALPG). Nominees of UoA and IALPG together comprise the “Committee”.

[3] The Committee is responsible for organising the competition and retains sole and unfettered discretion in interpreting and applying these rules.

Article 3 Participation and Eligibility

[4] Any fully accredited Law School, Law Faculties or Law Departments from Australia, New Zealand and the South Pacific region may participate in the Competition.

[5] The language of the Competition will be English.

[6] Each team shall bear its own costs.

Article 4 Composition and Registration of Teams

[7] The teams shall be composed of students who are enrolled in a programme of undergraduate (LL.B.), graduate (JD) or post-graduate (LL.M. or research degree) law studies at the participating universities within six months prior to the first day of the Competition. The

students may not be admitted to practice law within six months prior to the first day of the Competition. For clarification, the first day of the competition is for the purpose of this rule the date on which the problem is distributed.

[8] Each team may have at least one Faculty/College/School Adviser. The Faculty/College/School Advisor may be a staff member or an external adviser designated by the participating institution as Faculty/College/School Adviser to the team.

[9] Each team shall be composed of no less than two (2) and not more than three (3) students. Only two team members will be arguing before the panels of judges in any one moot round. The third team member, if there is one, will sit at the bench and perform the role of instructing solicitor to the team. Teams may rotate the roles of advocate (senior and junior counsel) and instructing solicitor and thereby share oral advocacy responsibilities.

[10] The names of the students composing a team are to be submitted to the Committee on or before the end date for registration which is **30 July 2017**.

[11] Substitution of team members is not allowed after this date, unless a team member has to withdraw due to serious and unexpected circumstances. A team contemplating withdrawal of a team-member shall communicate the circumstances of the requested withdrawal to the Committee. The Committee, in its sole discretion, will determine whether the withdrawal of the team member is appropriate under the circumstances.

[12] The Committee may, at the request of the team, decide that another student meeting the conditions of Article 4 be registered in place of the team member withdrawn. In case of denial of this request, the team may continue participating with the remaining member(s).

Article 5 The Moot Case and Clarifications

[13] The Committee shall invite a duly qualified person to draft the Case. The author of the Case is not involved with any of the participating teams.

[14] Teams may submit written requests for clarification with a maximum of five questions that are pertinent to understanding the Case. These requests must be sent to the Committee's nominee – Renee Wheeler (email rwheeler@ialpg.com – and received by no later than 24 July 2017).

[15] Requests for clarifications will be considered by members of the Committee and will be responded to at the discretion of the Committee. Any clarifications that the Committee deems to be necessary will be distributed to all teams at the same time, as the official Clarifications to the Case.

Article 6 Outside Assistance prohibited

[16] Outside assistance which would interfere with the final product being the exclusive work of the team members is strictly prohibited.

[17] Outside assistance to a team in preparation of the Competition, including that of Faculty/College/School/ will be limited to a general discussion of the issues, suggestions as to research sources and training in written and oral advocacy at a general level.

[18] Teams are permitted to rehearse their oral arguments before members of their Faculty/College/School prior to the competition. However, any feedback should be limited to stylistic comments on oral advocacy – not suggestions as to substantive argument.

[19] By signing a Declaration of Authenticity a team confirms the originality of submitted Memorials as its own work. The Declaration must be signed by all team members. The Declaration of Authenticity can be found in **Annex I**.

[20] Non-compliance with this Article shall be penalised by the Committee in accordance with the articles on Penalties in the present Rules.

Part II The Written Memorials

Article 7 Formatting the written memorials

[21] The Memorial **must not exceed twenty-five (25) pages TOTAL**.

[22] The Memorial shall be typed

- (a) on A4 paper (21 cm x 29 3/4 cm),
- (b) on one side,

- (c) in font Times New Roman size 12.
- (d) with a margin of 2.5 cm on both sides, and
- (e) with a margin of 2.5 cm at the top and at the bottom, and
- (f) with interline 2 (i.e., double-spaced).

[23] Each page shall be numbered in the middle at the top.

[24] Footnotes shall be placed at the bottom of the page and must be numbered consecutively throughout the memorial in Arabic numbers.

[25] Footnotes and quotations may be reduced in size to 10 point.

[26] Footnotes and quotations of more than one line in length may be typed single-spaced. The standard double spacing between separate footnotes must be kept.

[27] The contents and structure of the document is at the team's discretion. A suggested template is:

- (a) Cover page
- (b) Table of contents
- (c) List of sources
- (d) Statement on jurisdiction
- (e) Summary of submissions
- (f) Submissions
- (g) Prayer for relief
- (h) Declaration of authenticity (not included in page count).

Cover page and team number

[28] Each Memorial shall be bound by a cover: The Memorial for the Applicant by a green cover, and for the Respondent by a red cover. The cover is INCLUDED in the total page count.

[29] **The participating teams may not be identified by name or in any other way** in the Memorial, except by their designated registration number. This prohibits all University imagery, crests, watermarks and any other identifying marks.

[30] The registration number of the team must appear clearly in the middle at the bottom on the cover of the Memorials.

Citations

[31] Citation form should be in accordance with the Australian Guide to Legal Citation (3rd edition) available at:

https://law.unimelb.edu.au/__data/assets/pdf_file/0007/1586203/FinalOnlinePDF-2012Reprint.pdf Team using any other guide shall ask prior admission to the Committee.

Plagiarism

[32] Plagiarism is forbidden. This includes copy-pasting texts without citing and/or not providing references to the original source(s). Reproducing or utilising in any way written submissions from a previous ANZALM or any other air or space law mooted competition is also prohibited.

[33] Non-compliance with this provision shall be penalised in accordance with the Annex of Penalties of the present Rules.

Article 8 Submission of Memorials

[34] Each team participating in the Competition shall prepare an Applicant's Memorial (A) and a Respondent's Memorial (B). Only the students registered with the Committee as team members shall research and draft the team's Memorials.

[35] No team may revise, substitute, add, delete, or in any other manner alter their original Memorials after they have been submitted to the Committee.

[36] The Committee shall receive by email both the Applicant and Respondent Memorials for each participating team. Electronic copies shall be submitted by the deadline by way of email attachment in pdf-format. Copies of the Memorials must be emailed to **Renee Wheeler** at **rwheeler@ialpg.com**.

[37] The Committee shall distribute the appropriate Memorials to the opposing teams by email, to the members of the panels of judges at the rounds of the Moot Courts, and to the members of the Bench of the Final Round.

[38] All Memorials in the Competition become the property of the Committee and may be copyrighted as such.

[39] The team must ensure timely submission of the Memorials. Failure to comply with this provision will result in penalties in accordance with these rules.

Article 9 Judging the Memorials – The Competition Board of Review

[40] The Memorials for the Moot Rounds shall be judged by the Competition Board of Review (hereinafter ‘the BOR’).

[41] The Committee, having consulted the organising parties, shall nominate the members of the BOR. The BOR shall consist of up to three persons with relevant qualifications, expertise and impartiality.

Article 10 Scoring of Memorials

[42] The score shall be kept on official scoring sheets supplied by the Committee.

[43] A score out of 100 points per Memorial shall be awarded by each member of the Board based on their assessment of the Memorials.

[44] The assessment (scoring) criteria to be considered, without regard to their order of importance, shall include, but not be limited to:

- (a) knowledge and understanding of the facts;
- (b) command of the relevant legal principles;

- (c) identification of the, core, critical issues;
- (d) logical, concise, and coherent analysis of all the key issues arising;
- (e) appropriate use of authorities and rigour of research;
- (f) evidence of original thought;
- (g) clarity and organisation of written submissions;
- (h) grammar and style guide compliance.

[45] The final score for a Memorial shall be the sum of the points awarded by the members of the BOR divided by three (or the number of judges) and less any penalty points. The maximum number of points that a team can score on each Memorial is therefore 100 points.

Best written memorial awards

[46] At the end of the Competition, the team having prepared the Best Applicant's Memorial and the team having prepared the Best Respondent's Memorial will be announced. The Best Memorials are those which received the highest final scores.

Part III The Oral Arguments

Article 11 Rules Governing the Oral Arguments

[47] None of the team members, coaches of the team, or persons affiliated with the team shall be allowed to attend any sessions other than the ones at which their team is competing.

[48] Each team shall prepare an oral argument for the Applicant and an oral argument for the Respondent. Each team shall present an oral argument in at least two (2) of the sessions of the Moot Rounds: once as Applicant and once as Respondent.

[49] Per session of the Moot Rounds, two team members shall present the team's oral argument. The third registered student (if any) shall act as solicitor on the record and sit at the bench with the two oralists. All communication during the round including with the solicitor is in written form only.

[50] No oral or written communication may take place between the team table or the oralist and their accompanying staff members or any member of the public during the session in which that team presents its oral argument, rebuttal or surrebuttal.

[51] The use of exhibits is not permitted.

[52] During the Moot Rounds, team members are not permitted to wear or carry garments or items which could indicate their university or country of origin.

[53] The scope of an oralist's pleadings is not limited to the scope of the submitted Memorial. Where oral pleadings go beyond (or depart from) the written submissions teams must clearly draw this to the attention of the judges of the Moot.

Rebuttal and Surrebuttal

[54] Each team shall have a right of reply, referred to as the 'Rebuttal' for the Applicant and 'Surrebuttal' for the Respondent.

[55] The scope of the Applicant's rebuttal is limited to the scope of the Respondent's oral pleadings proper and the scope of the Respondent's surrebuttal is limited to the scope of the Applicant's rebuttal.

[56] Failure to keep within these limitations shall be taken into account by the members of the Moot Court.

Time limits for the oral arguments

[57] Per session each team (Applicant and Respondent) shall be allowed a total of forty (40) minutes to present its oral argument, including the time needed to answer any questions which may be put to it by the Judges and including the time for the rebuttal or surrebuttal. No more than ten (10) minutes of this time shall be reserved for rebuttal or surrebuttal.

[58] Per session no team member shall speak for more than twenty-five (25) minutes.

[59] Extension of team time beyond forty (40) minutes, which in no case shall exceed five (5) minutes beyond the total time allocated for presentation, shall be within the discretion of the members of the Moot Court.

[60] Non-compliance of the teams with their responsibilities under this Rule shall be penalised by the Committee.

Article 12 Judging the Oral Arguments

The Moot Court

[61] The oral arguments shall be judged by a Moot Court consisting of at two judges.

[62] The Committee shall invite duly qualified persons to act as members of the Moot Court for the Moot Rounds.

Scoring by the Members of the Moot Court

[63] The score shall be kept on official scoring sheets, supplied by the Committee.

[64] A grade out of 50 is allocated by each Judge to each individual speaker. These numbers are combined to give a final mark out of 100 to each team.

[65] The final score per session for the oral arguments of a team shall be the total of the points awarded by the judges divided by the number of presiding judges to arrive at an average score out of 100.

[66] (iii) The Moot Court shall take into consideration and weigh up the following assessment criteria:

- (a) familiarity with all relevant factors;
- (b) structure and logic of the arguments;
- (c) knowledge and understanding of points of law directly applicable to the facts;
- (d) persuasiveness of the argument presented;
- (e) responsiveness of advocates to questions from the Bench, including the ability to respond directly, accurately and concisely to questions;
- (f) clarity and pace of oral submissions;

- (g) effectiveness of rebuttal/surrebuttal; and
- (h) demeanour and observance of court-room etiquette.

Article 13 Best Oralist Award

[67] During the Moot Rounds, the judges shall nominate who they deem to be the Best Oralist based on their speaker scores. The oralist who is nominated most will be award the Best Oralist Award for the General Moot Rounds.

[68] At the end of the Competition, the individual participant having been judged to be the Best Oralist of the General Moot Rounds will be announced.

Part IV the Grand Final

Article 14 Grand Final Round

[69] The Grand Final Round shall be held between the two teams that advance to the Final based on the judges' scores from the preliminary rounds in aggregate and a global discussion allowing for moderation. The Committee shall make the final decision in their absolute discretion, based on the scores awarded to each team and moderation between the rooms.

[70] The winners of the Grand Final will be determined solely by the judges of Grand Final Moot Court and they may, at their discretion, choose to award a prize to the Best Grand Final Oralist.

[71] Grand Finalists will be randomly allocated a side to represent for the Final by coin toss.

[72] The Committee shall invite 3 highly qualified persons to act as members of the Moot Court for the Final Round.

Article 16 The Winner

[73] The winner of the Grand Final Round will be the team so decided by the members of the Moot Court based on their oral performance only. The Judges will however be provided a copy of the written memorials and will be entitled to refer to them during the presentations.

[74] The winner of the Grand Final Round shall be considered to be the Winner of the Competition. This team shall receive the Competition's Trophy to hold in trust until the following year's Competition.

Part V Regulation of the Competition

Article 17 Imposition of penalties and powers of the Committee

[75] During the Competition, penalties may lead to the disqualification of a team, or to penalty points being deducted from the sum of the points awarded by the BOR for a team's Memorials or from the sum of the points awarded by the Judges for a team's oral arguments presented during the Moot Rounds.

[76] The Committee, in interpreting the present Rules of the Competition, may take such other discretionary measures as it may deem advisable for the sake of fairness and the orderly conduct of the Competition. The Committee may depart from the present Rules should circumstances so require.

[77] Any decision or ruling handed down by the Committee on matters concerning the present Rules of Procedure, or any other matters regarding the state of affairs of the Competition is final. No appeal from these decisions or rulings is available.

Article 18 Penalties

[78] The aim of Article 18 on Penalties is to ensure a fair and sportive contest in the Competition by providing means for ensuring compliance with the relevant provisions of the Official Rules.

[79] Violation of Article 6 will result in disqualification of the team.

[80] Written memorials:

- (a) For every page over the specified page limit in article 7 a deduction of 10 points will be applied.

- (b) For every other rule in article 7: 1 point per violation per single requirement mentioned, with a maximum of 4 points for 4 or more violations per single requirement mentioned;
- (c) For delay in submission of the written memorials: 3 points per day for delay in mailing of the Memorials with a maximum of 21 points in case of a delay of 7 days or more.

[81] Penalties for Oral Pleadings:

- (a) If any team members of affiliated persons are present in an oral argument that is not one in which the team is competing, in violation of art 11, the team will be disqualified.
- (b) If the team otherwise violates the rules of the oral arguments in art 11 including by being more than five minutes late, the Committee may penalise up to 10 points per violation.
- (c) Any penalties for speaking over time without the Judge's express permission or for breaching the rules in relation to rebuttal will result in penalties to be imposed by the Judges at the first instance. Their discretion in imposing those penalties is final.

[82] If there is any Cheating, Intimidation and other Unfair Behaviour, the Committee shall have discretion, after giving the team in question the opportunity to be heard, to award penalty points or to disqualify a team for cheating, intimidation and other unfair behaviour that has the effect or the intended effect of unfairly improving its performance or reducing the other team's performance during a moot. The decision of the Committee shall be final.

[83] If there is any conduct that may bring the competition into disrepute, the Committee shall have the discretion, after giving the team in question the opportunity to be heard, to award penalty points or to disqualify a team for conducting itself in a manner that has the purpose, effect or intended effect of bringing the Competition into disrepute.

[84] The Committee shall be competent to impose any penalties under this Annex in all Rounds of the Competition and both in the Moot Rounds and Finals.

ANNEX I Declaration of Authenticity

[85] The following is the mandated text for the declaration:

“We hereby certify that this submitted Memorial does not contain any materials from other sources unless these sources have been clearly identified in footnotes, and any and all quotations have been properly marked as such and full attribution made to the author(s) thereof. We further certify that this submitted Memorial represents the original work of the Team Members only, and is not the product of any outside assistance whatsoever.”

[86] The declaration must be signed and dated by all Team Members.

[87] Please attach the declaration as a separate page to the back of each set of memorials i.e. one declaration signed and dated on the Applicant Memorial and one declaration signed and dated on the Respondent Memorial. This extra page does NOT count for the total page limit on the memorials; it is in addition to the total limit of 25 pages.