

# NIAGARA INTERNATIONAL MOOT COURT COMPETITION

## 2011-12 OFFICIAL RULES

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# NIAGARA INTERNATIONAL MOOT COURT COMPETITION 2011-12 OFFICIAL RULES

## I. ORGANIZATION

### A. The Canada-United States Law Institute, the Competition Director, and the Host Schools.

**1. The Canada-United States Law Institute.** The Niagara International Moot Court Competition (the Competition) is sponsored by the Canada-United States Law Institute (the Institute or CUSLI). The Institute is a bi-national, not-for-profit, multi-disciplinary entity jointly founded in 1976 and owned and continuously operated by Case Western Reserve University School of Law located in Cleveland, Ohio, USA and the Faculty of Law, University of Western Ontario located in London, Ontario, Canada. The Institute serves as the administrative home for the Competition. The address for the Competition is: **The Canada-United States Law Institute, Niagara Competition Director, c/o Canada-United States Law Institute, Case Western Reserve University School of Law, 11075 East Boulevard, Cleveland, OH 44106-7148, U.S.A., <http://www.cusli.org>, email - [niagara2012@case.edu](mailto:niagara2012@case.edu), fax # 216 368-2086.**

**2. The Competition Director.** The Institute annually appoints a law student to preside as the Competition Director. The Competition Director has authority for the administration of the Competition under the guidance of the Institute's professional staff. The administration of the Competition includes, but is not limited to: (1) setting the Competition Schedule; (2) promulgating the Official Rules; (3) approving the Niagara Problem; (4) recruiting and registering participants; (5) distributing information to participants, graders, and judges; (6) selecting the Semi-Final and Final Round judges; (7) aggregating scores; (8) settling disputes; and (9) otherwise assisting the host schools with the Competition.

**3. The Host Schools.** Case Western Reserve University School of Law and the University of Western Ontario Faculty of Law serve as the host schools for the Niagara International Moot Court Competition. The Host Schools, or their assigns, bear responsibility for the authoring of the problem and the bench brief. The Host Schools further bear responsibility for securing preliminary round judges and supplying a list of their names and addresses to the Competition Director for assignment. Additionally, the Host Schools are required to obtain student bailiffs for the Competition and promote the Competition.

**4. Final Authority.** The Competition Director, upon consultation with the Canada-United States Law Institute's professional staff, reserves the right to amend or change these rules and to make all decisions regarding any aspect of the Competition. Any such decisions made by the Competition Director will be final and binding on the participants.

### B. Forum.

The Competition shall address a fictional dispute between the United States and Canada. The dispute shall be heard before the International Court of Justice unless otherwise approved by the Competition Director.

### C. The Nature of the Competition.

The Competition shall consist of two stages: (1) the written advocacy stage; and (2) the oral advocacy stage.

**1. The Written Advocacy Stage.** The written advocacy stage requires participating teams to file written submissions (collectively the "Memorials") with the Competition Director addressing a fictional legal

problem (the "Niagara Problem"). The Institute then circulates the written Memorials to individuals ("Memorial Graders") for scoring.

**2. The Oral Advocacy Stage.** The oral advocacy stage requires the participating teams to appear before a panel of individuals ("Judges") and argue the positions generally presented in the Memorials. The Judges thereafter evaluate the advocacy skills of the participating teams.

**3. Scoring and Awards.** Scoring of the written and oral advocacy stages occurs in accordance with the rules established herein. The Institute presents team and individual awards to those demonstrating a mastery of the advocacy skills with the highest award being the Niagara Cup.

#### **D. Team Eligibility and Registration.**

**1. Team Eligibility.** All accredited law schools in the United States and Canada are eligible to participate in the Competition. Every team shall be sponsored by a faculty member (including adjunct), and, or, an organization within each school internally recognized as having authority to sponsor events sharing similar characteristics to the Competition (i.e. Moot Court Board, International Law Students Association, etc.), unless otherwise approved by the Competition Director.

#### **2. Registration.**

**a.** Potential participants shall receive a registration form from the Competition Director that shall specify the registration fee/deposit in United States currency, and the deadline for receipt of the form. **The registration fee for the 2011-12 Niagara International Moot Court Competition is US\$700.00.** Once completed and sent by the participating law school and received by the Competition Director by the date established in the Competition Schedule, the registration form shall serve as the law school's notice of intent to participate, and shall be accompanied by a **non-refundable** deposit in an amount to be designated by the Competition Director on the registration form. All registration fees/deposits are payable by check, credit card, or money order. Cash payments will not be accepted. Checks and money orders shall be made payable to "The Canada-United States Law Institute."

**b.** Teams shall provide the Competition Director with the name of the Faculty Advisor, Faculty Coach (if not a member of the full or adjunct faculty), Student Team Coordinator (if applicable), and a designated Team Contact person, with corresponding addresses, telephone and facsimile numbers, and electronic mail addresses at the time of registration. The Competition Director will address all correspondence exclusively to the Team Contact person. Notice to the Team Contact person constitutes notice to all Team members. The Competition Director will receive enquiries exclusively from the Faculty Advisor Coach and, or Team Contact person.

**c.** Teams shall provide the names and the corresponding degree program of all individual team members by the deadline established in the Competition Schedule.

**d.** The Competition Director shall assign each Team a Team Number. The Team Number ensures anonymity during the scoring process. All parties are prohibited from divulging information regarding identification numbers of any team absent leave from the Competition Director. The Team Number shall be provided on all correspondence regarding the Competition, once assigned.

#### **E. Teams.**

**1. One Team per law school.** Each law school/law faculty shall be permitted to send one (1) Team to participate in the Competition. The purpose of the limitation is to foster competition within each school

for a position on the Niagara Team, and to allow each participating law school an equal opportunity to capture the Niagara Cup.

**2. Team Composition.** Each Team shall be comprised of two (2) to four (4) members. **Scheduling for the oral advocacy stage will occur on the basis of all teams having four members.**

**3. Participant Eligibility.** Each Team member shall be a student enrolled full-time or part-time in a graduate program addressing law (i.e. J.D. or LL.B.), at the institution that sponsors the Team to which he or she will be a member. Students enrolled full-time or part-time in programs granting (i) a joint degree having law as a core component (i.e. J.D. / M.B.A. programs); (ii) a Master of Laws (LL.M.) degree or its equivalent; or (iii) a Doctor of Laws (Ph.D. D.Phil.) degree or its equivalent, may be eligible to compete upon express written approval by the Competition Director. A person shall not be a member of a Team if that person has been admitted to the bar or admitted to legal practice in any jurisdiction.

**4. Faculty Advisor, Faculty Coach, and Student Team Coordinator/Coach.** In addition to the two (2) to four (4) team members, each Team shall have an advisor (the "Faculty Advisor") that is a member of the participating law school's faculty or otherwise appointed by the faculty. A faculty may appoint a "Faculty Coach", who generally is a licensed practitioner that is not a member of the full or adjunct faculty. Additionally, each Team may have a Student Team Coordinator (commonly referred to as a "coach"). Faculty Advisors/Coaches and Student Team Coordinators may accompany the Team to all aspects of the Competition.

## **II. THE WRITTEN ADVOCACY STAGE AND THE ORAL ADVOCACY STAGE**

### **A. The Problem, Bench Brief, & Clarifications.**

**1. The Niagara Problem.** The Niagara Problem shall reflect topical issues of international law that jointly affect Canada and the United States. The Niagara Problem shall detail the underlying facts giving rise to the dispute between an Applicant and the Respondent. The Problem shall conclude by presenting legal questions for adjudication.

**2. Authorship of the Niagara Problem.** The Host Schools or its assigns shall draft the Problem; however, the Competition Director, upon consultation with the Canada-United States Law Institute's professional staff, shall possess final approval authority over the Problem. The Problem shall be authored by a person knowledgeable in the field of international law.

### **3. The Bench Brief.**

**a.** The problem author further shall be responsible for drafting a comprehensive bench brief for use by Memorial Graders and Judges. The bench brief may contain approximately twenty (20) sample questions and answers to guide the Judges in their task. The bench brief shall further include all applicable treaties and statutes, or summaries of the same, necessary for the Judges to render proper decisions.

**b.** The Competition Director shall have the exclusive authority to distribute the bench brief. The bench brief shall be kept strictly confidential. The Competition Director shall disqualify any Team that utilizes the Bench Brief. In the event a Team, Faculty Advisor/Coach, Student Team Coordinator, or any person otherwise affiliated with a Team receives the Bench Brief, said parties shall have the affirmative duty to return it to the Competition Director without examining its contents.

**4. Requests for Clarifications.** Requests for Clarifications regarding the Niagara Problem may be sent by email to the Competition Director at niagara2012@case.edu, Only the designated team contact or the faculty advisor/coach may submit clarification requests. All clarification requests are to be presented in one email. "Piecemeal" or incomplete requests will not be considered. The Competition Director will confer with the Problem Author, and provide a response, if warranted. Any response will be provided to all team contacts via email. The original question(s) and the identity of the team who posed the question(s) will not be disclosed. No Clarification Requests will be accepted after January 16, 2011 at 11:59PM EST. All responses to requests for clarification are the work of the problem's author and are considered complete and sufficient for purposes of the Written and Oral Advocacy Stages.

## **B. Written Advocacy Stage - Memorials.**

**1. Two Memorials.** Each participating Team shall prepare two (2) Memorials –one (1) for the Applicant and one (1) for the Respondent - by the date established in the Competition Schedule.

**2. Language and Citation.** Memorials shall be in English. Teams from the United States shall follow the citation style specified in the latest edition of A Uniform System of Citation ("Bluebook"), while teams from Canada shall follow the style specified in the latest edition of the Canadian Guide to Uniform Legal Citation.

### **3. Description of the Memorial.**

**a.** The body of each Memorial shall be limited to twenty (20) pages, one side only, in Times New Roman (12 point) font. The body of the Memorial shall include:

Summary of Argument.  
Argument.  
Footnotes.  
Conclusion.

**b.** Included in each Memorial, but excepted from the twenty page limitation, shall be the following:

Cover pages.  
Table of Contents.  
Statement of Facts.  
Questions Presented.  
Jurisdictional Statement.  
Index of Authorities.

**c.** No annexes or appendices may be attached to the Memorials. The Competition Director shall provide maps /charts or similar materials to all Teams in the event he or she deems that such materials are a necessary and integral part of the argument.

**d.** The Competition Director shall provide past sample Memorials on the Competition website.

**e.** The Competition Director shall design a Template for the Cover Pages and provide samples to all teams via the Competition website upon the close of the registration period. All Memorials are to follow sample Cover Pages provided by the Competition Director as a model including all copies of the Memorials. No alterations that would set one Memorial apart from another shall be permitted. The Cover page shall include: (i) the Team number; (ii) the name of the court; (iii) the year of the competition; (iv) the name of the case; and (v) the title of the document. The Team number shall be

placed in the lower center of the cover of each Memorial followed by an "A" for applicant and an "R" for respondent.

**f.** Each team shall prepare one file for the Applicant Memorial and one file for the Respondent file. Memorials must be in Microsoft Word 2003 or Microsoft Word 2007 format. All Memorials shall be type-written on one-side, double-spaced, on letter size 8 ½" by 11" (21.6x27.9 cm) with equal 1" (2.54 cm) margins on all four sides. Teams shall utilize Times New Roman (12 point) font for all parts of the Memorial, excluding the cover-page and including footnotes. Headnotes, footnotes and quotations within the argument section may be single-spaced – however, a double-space shall separate footnotes. Quotation to sources outside of the Memorial of 50 words or more may be block quoted with left and right indent and single spaced.

#### **g. Citations**

**(i). Generally.** All citations shall be presented in footnote form and placed at the bottom of the page where the reference is noted. Footnotes found in the body of the Memorial shall be included as part of the Memorial's twenty (20) page limit, and must be printed in the same font type and size as the Memorial.

**(ii). No Discursive Footnotes.** Footnotes shall be limited to citation and reference purposes only. Footnotes may not include substantive pleadings, examples, or any text not part of the citation itself. No discursive footnotes shall be permitted. The Competition Director shall possess the exclusive discretion to define whether or not a footnote is discursive and deduct points for violations of the rule.

Example of a valid footnote:

Avena and Other Mexican Nationals (Mex. v. U.S.), 2004 I.C.J. 128 (Mar. 31) [hereinafter Avena].

Example of an invalid footnote:

Avena and Other Mexican Nationals (Mex. v. U.S.), 2004 I.C.J. 128 (Mar. 31) [hereinafter Avena] (finding that not notifying the appropriate consular authorities after arresting Mexican nationals breached the United States' obligations under Article 36, paragraph 1 (b) of the Vienna Convention).

**4. Identification.** Each Memorial shall be identified by the Team Number. The name of the participating school and the names of any of its representing Team members shall not appear on any part of the Memorial. No other identifying marks shall appear on the Memorials.

#### **5. Submission.**

**a.** Each Team shall prepare one Applicant Memorial and one Respondent Memorial.

**b.** The Memorials shall be electronically mailed to the Competition Director at niagara2012@case.edu by 11:59 pm / 23:59, Eastern Standard Time, on the date specified in the Competition Schedule. Submission must occur in a single email message addressed to Niagara International Moot Court Competition Director with both Memorials attached. All Memorials must be emailed by the deadline established in the Competition Schedule.

**c.** The file name for each Memorial shall be in the following format: [year]-[team#][A or R].doc. For example, Team #1's Memorial for the Applicant would be saved as 2012-01A.doc. 'docx' file extensions are also acceptable.

d. In the event a Team is unable to utilize electronic mail as a means of delivery, the Team must notify the Competition Director as soon as possible. The Competition Director will determine the manner of submission.

e. By submitting Memorials to the Competition Director, each Team member certifies that its Memorials have been prepared in accordance with the rules of the Competition, and that they represent the work product, proof-reading, and evaluation of only the members of the Team.

**6. No Revisions.** No team may revise, substitute, add, delete or in any other manner alter the body of its Memorial(s) after the deadline for submission. However, if a revision is made on a non-substantive part of the Memorial or, for example, if pages are inadvertently left out, the Memorial may be accepted at the discretion of the Competition Director. A discretionary penalty not to exceed 15 points may be imposed by the Competition Director after assessing the facts.

**7. Penalty Points.** Penalty points shall be awarded to Memorials and teams in non-compliance with the Niagara Rules. The penalties are as follows:

a. One (1) point shall be deducted for every page over the twenty (20) page limit.

b. One point shall be deducted for any other format error, including, but not limited to the following:

Margins

Type sets

Line Spacing

Footnotes, including footnote deemed to violate discursive rules

Cover pages

Omitted Identification number

c. Where a format error would affect the total number of pages, the Competition Director shall review the electronic copy of the Memorials and shall deduct the points accordingly as listed above.

**9. Reservation of Rights.** The Institute reserves all rights to Memorials once submitted and may publish them without further consent from the Team.

### **C. Oral Advocacy Stage - Preliminary Rounds.**

**1. Four Preliminary Rounds.** Each Team shall present oral arguments on four (4) occasions during the Preliminary Rounds of the Competition: at least on two (2) occasions as the Applicant, and at least on two (2) occasions as the Respondent.

**2. Pairings.** The Competition Director shall establish the pairings of Teams for the Preliminary Rounds by random draw according to identification number only. The schedule for the Oral Advocacy Stage shall be established upon the Memorial submission deadline in order to ensure that every Team shall know in advance the identification number (but not the identity) of the Teams against which it will be competing during the Preliminary Rounds and have the opportunity to review the Memorials of the opposing Team.

**3. Participation by all Team members.** Any combination of two (2) Team members, but no more than two team members, may participate in each Preliminary Round argument. However, each Team member must present at least once during the course of the Preliminary Rounds.

**4. Forty Minutes per Team.** Forty (40) minutes shall be allocated for each Team to present in each Preliminary Round argument. This time may be divided between the Team members as they deem wise; however, each Team member shall present at least five (5) minutes during any Preliminary Round argument. The allocation of time shall be provided to the student bailiff prior to the Preliminary Round argument, who shall advise the bench and the opposing team prior to the opening of the session.

**5. Rebuttal.** A maximum of five (5) minutes may be reserved by the Applicant for rebuttal and shall be subtracted from the total forty (40) minutes allocated for Team argument. The Applicant shall advise the student bailiff prior to the opening of the Preliminary Round argument whether any rebuttal time will be held in reserve. Failure to advise the student bailiff shall constitute a waiver of rebuttal time. The Applicant also shall advise the Panel at the opening of its pleading(s) proper that Rebuttal has been reserved and the amount of time reserved. Rebuttal may be performed by only one team member.

**6. Surrebuttal.** A maximum of five (5) minutes may be reserved by the Respondent for rebuttal and shall be subtracted from the total forty (40) minutes allocated for Team argument. The Respondent shall advise the student bailiff prior to the opening of the Preliminary Round argument whether any rebuttal time will be held in reserve. Failure to advise the student bailiff shall constitute a waiver of rebuttal time. The Respondent also shall advise the Panel at the opening of its pleading(s) proper that Rebuttal has been reserved and the amount of time reserved. Rebuttal may be performed by only one team member.

**7. Extensions by the Panel.** The Panel may extend any Team argument (total Applicant #1 & # 2 or total Respondent # 1 & # 2) a maximum of ten (10) minutes. For example, the Panel extends Applicant # 1 argument by 7 minutes. The Panel may extend Applicant # 2 argument – however, in no event shall this extension exceed 3 minutes. The Panel may not extend time for Rebuttal reserved prior to the start of the pleadings.

**8. Scope of Presentation.** The Team's Oral Advocacy Stage presentation is not limited to the scope of the Team's Memorials. The Applicant's Rebuttal is limited to addressing the arguments advanced by the Respondent during the Oral Advocacy Stage round.

**9. English.** All oral arguments shall be presented in English.

**10. Communication between Team members and the Panel.** Each Team member may communicate with the Panel, and the Panel may communicate with the Team member presenting arguments to the Panel during the Team member's allotted time. The Panel is discouraged from communicating with other advocates seated at counsel tables regarding substantive matters.

**11. Communication between Team members.** No communication between Team members seated at counsel table and other Team members, Faculty Advisors/Coaches, and, or Student Team Coordinators shall occur at any time once an Oral Advocacy round commences. Likewise, Team members, Faculty Advisors/Coaches, or Student Team Coordinators shall not pass anything to Team members seated at counsel table once an Oral Advocacy round commences. Nothing in this Rule shall be construed as to preclude communication at counsel table between Team members presenting before the Panel.

**12. No Exhibits.** No exhibits or props shall be used during the Oral Advocacy Stage. The Competition Director shall provide the judges with any materials integral to argument.

**13. No Electronics.** The student bailiffs shall ensure that no computer, laptop, mobile phone, or other similar electronic device is in operation during an Oral Advocacy Stage Argument.

**14. Anonymity of Teams.** During the Oral Advocacy Stage, Team members and

Those accompanying Team members may not indicate their school of origin through direct or indirect means. Team members or those accompanying Team members are prohibited from advising Panel members as to their school of origin through statements, name tags or other indicia (including clothing, folders, binders and books bearing the school of origin name or insignia).

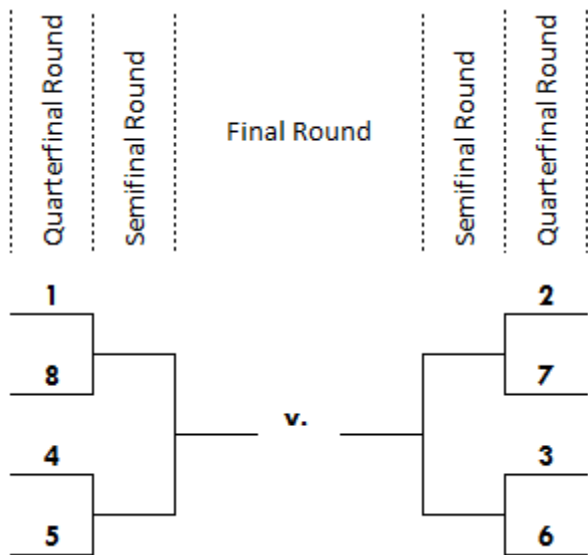
**15. Ex Parte Procedure.** In the event a Team fails to appear for a scheduled Oral Advocacy stage round, the Competition Director may allow the round to proceed ex parte. The Competition Director shall wait a period of fifteen (15) minutes from the scheduled start of the Oral Advocacy Stage round prior to issuing the decision. The ex parte round shall proceed with the Team presenting before the Panel and the Panel scoring as if the absent Team had argued. The absent Team forfeits the round. In the event the Competition Director deems that the nonappearance was intentional and flagrant, the Competition Director may disqualify the Team from the Competition.

**16. Recordings.** The Host Schools and the Institute reserve the right to audio record, photograph, and, or video record the Oral Advocacy Stage and use such recordings, photographs and videos in promoting the Competition, including publication on the internet. Teams may agree in advance, and subject to the approval of the Competition Director, to allow audio-recordings, photographs, and video recordings of the Oral Advocacy Stage rounds.

**17. Public.** All Oral Advocacy Stage rounds are open to the public. Teams may agree in advance, and subject to the approval of the Competition Director, to limit the number of spectators in the room. Team members, Faculty Advisors/Coaches, Student Team Coordinators and any person(s) directly affiliated with a participating Team may attend only those Oral Advocacy Stage rounds in which their Team is competing. The Competition Director may assess penalties for violations of this Rule.

**D. Oral Advocacy Stage - Quarterfinal, Semifinal, and Final Rounds – Structure and Seeding.**

**1. Brackets.** To determine the pairings for the Quarterfinal, Semifinal, and Final rounds, a single-elimination bracket shall be used, with the advancing teams seeded from first through eighth.



**2. . Seeding/Pairings.** The Team having the highest overall score from the Preliminary Rounds and the Written Advocacy Stage shall be the first seed, the Team having the second highest overall score from the Preliminary Rounds and the Written Advocacy Stage shall be the second seed, and so on. The overall scores shall not be revealed. If in either the Quarterfinal or Semifinal round a team advances in

their pairing over a higher seeded team, the advancing team will assume the seed of the defeated team.

#### **E. Oral Advocacy Stage - Quarterfinal Rounds**

**1. Qualification.** The eight teams having the highest total score from the Preliminary Rounds and the Written Advocacy Stage, as determined by the Rules provided herein, will compete in the Quarterfinal Rounds.

**2. Pairings.** In the Quarterfinal round, the first seeded team will compete against the eighth seeded team; the second seeded team will compete against the seventh seeded team; the third seeded team will compete against the sixth seeded team; and the fourth seeded team will compete against the fifth seeded team.

**3. Selection of Argument.** The higher seeded team in any pairing may select which argument (Applicant or Respondent) that they will present in the Quarterfinal Round, or defer this selection to the opposing team.

**4. Procedure.** The Quarterfinal Round shall proceed in accordance with the Rules established for the Preliminary Rounds.

#### **F. Oral Advocacy Stage - Semifinal Rounds**

**1. Qualification.** At the close of the Quarterfinal Rounds, the Competition Director shall determine the scores to be awarded to each Team that participated in the Quarterfinal Rounds. The Team emerging with the highest total points from each Quarterfinal Round pairing shall advance to the Semifinal Round. At no time during the Competition shall the Competition Director, the Panel or any other person reveal the scores awarded in the Semifinal Round.

**2. Pairings.** At the close of the Quarterfinal, any team that advanced in their pairing over a higher seeded team will assume the seed of the defeated team. In the Semifinal Round, the first seeded team will compete against the fourth seeded team; and the second seeded team will compete against the third seeded team.

**3. Selection of Argument.** The higher seeded team in any pairing may select which argument (Applicant or Respondent) that they will present in the Semifinal Round, or defer this selection to the opposing team.

**4. Procedure.** The Semifinal Round shall proceed in accordance with the Rules established for the Preliminary Rounds.

#### **G. Oral Advocacy Stage - Final Round**

**1. Qualification.** At the close of the Semifinal Rounds, the Competition Director shall determine the scores to be awarded to each Team that participated in the Semifinal Rounds. The Team emerging with the highest total points from each Semifinal Round pairing shall advance to the Final Round. At no time during the Competition shall the Competition Director, the Panel or any other person reveal the scores awarded in the Semifinal Round.

**2. Selection of Arguments.** A toss of a coin shall determine which Team shall have the opportunity to compete as the Applicant or Respondent. The Team winning the coin toss may select the argument or defer to its opponent whether to proceed as Applicant or Respondent.

**3. Procedure.** The Final Round shall proceed in accordance with the rules established for the Preliminary Rounds.

**4. The Niagara Cup.** The Team emerging with the highest total points from the Final Round, as determined by the Rules addressing scoring, shall be awarded the Niagara Cup.

## **H. Oral Advocacy Stage – Judges**

**1. Three Judge Panels.** In each Oral Advocacy Stage Round, the Competition Director shall employ a Panel comprised of three (3) Judges. In the event the requisite number of Judges are unavailable to serve as Preliminary Round Judges, the Competition Director may authorize a Panel of two (2) judges as a means of last resort. In no case shall the Competition Director authorize a Panel of (1) Judge for any Oral Advocacy Stage Round, or a Panel of less than three (3) Judges for the Quarterfinal, Semifinal and Final Rounds.

**2. Eligibility.** The Competition Director, in consultation with the Host Schools, shall determine the eligibility of Judges subject to the following limitations:

**a.** Students may not serve as Judges, except LL.M. and other post-law degree candidates who are not directly affiliated with any Team participating in the Competition at which they are judging.

**b.** Faculty Advisors/Coaches may not act as Judges unless their Team has been eliminated from the Competition.

**c.** Persons that have judged a practice round, formally or informally, of a participating Team may not serve as Judges during the Competition.

**3. Affiliation with Teams.** No Judge should appear on a Panel involving a Team from a school or having Team members with which the Judge has an affiliation that would create an appearance of impropriety, unless otherwise authorized by the Competition Director. Alumnus status does not constitute a violation of the Rule.

**4. Anonymity of Team and Team Members.** Judges are prohibited from attempting to ascertain the country or school of origin of a Team or Team member.

**5. Prior Viewing.** Judges are prohibited from viewing a Team which they have viewed in a previous Oral Advocacy Stage round unless no Team member from the previous round will be presenting in the current round and the opposing Team consents. In the event this occurs, the Judge should be mindful to ask different questions than those posed in the prior rounds.

**6. Preparation.** Every Judge hearing oral arguments shall receive, in advance of the Preliminary Rounds, a copy of the Problem and the bench brief. During the arguments, each member of the Panel shall have before him or her all of the above materials, as well as a copy of the pertinent Memorials.

**7. Bench Brief.** Judges shall keep the contents of the Bench Brief confidential.

**8. Questioning.** Judges may enquire of any Team member presenting oral arguments before the Panel. Judges are discouraged from communicating with Team members seated at counsel table.

**9. Commentary.** Judges are encouraged to provide feedback to Teams regarding the Team's performance at the close of the Oral Advocacy Stage round and following scoring – however, the Judges should not make any comments relating to the scoring of the round or the contents of the Bench Brief. Judges should be mindful of the time-limitations of the Competition.

### **III. OUTSIDE ASSISTANCE.**

**A.** No Team shall receive any assistance in the writing of its Memorials. All research, writing, editing, and citation shall be the work-product of the identified Team members. This includes proof-reading by faculty and non-team members at each university. No Team shall receive any assistance in the substantive preparation of its oral argument. This rule shall not be construed to prevent preliminary general discussion of the issues with faculty or others before researching or writing the Memorials or preparation of oral argument. Nor shall it be construed to prevent the judging of a practice argument by faculty or others, or the giving of general critiques on such oral arguments by the judges.

**B.** No Team that has been eliminated from the Competition shall assist another Team.

### **IV. SCORING.**

#### **A. Written Advocacy Stage – Memorials**

##### **1. Memorial Graders.**

**a.** Each Team shall provide the Competition Director with the name and contact information of a Memorial Grader for the Competition by the date established in the Competition Schedule.

**b.** A valid email address shall be supplied for the Memorial Grader, and the Memorial Grader must be willing to receive Memorials and communications from the Competition Director via email.

**c.** Failure to present the name and contact information of the Memorial Grader to the Competition Director by the date specified in the Competition Schedule will result in a ten-point penalty being assessed to the Team's Memorials.

**d.** The Memorial Graders may not otherwise participate in the Competition, including judging preliminary or practice rounds or coaching teams.

**e.** The Memorial Graders shall be knowledgeable in international law. Students may not serve as Memorial Graders.

**f.** One-half of the Memorial Graders shall grade the Applicant Memorials; the remaining half shall grade the Respondent Memorials. Each grader may be responsible for grading a number of Memorials equal to the number of participating schools, unless the number of teams is excessive. Generally, Memorial Graders are responsible for six to eight Memorials.

**2. Anonymity.** All Memorials shall be assigned a pre-designated number by the Competition Director to assure anonymity during the grading process.

**3. Factors.** Each Memorial Grader shall receive a grading form from the Competition Director outlining the factors to be considered during the grading process. This form shall contain an average score so that each Memorial Grader has a median number by which to judge the quality of the individual

Memorials. The factors to be considered are as follows, but the order in which they are listed is in no way indicative of their importance:

1. Legal substance.
2. Style, spelling, grammar, and form.
3. Use of authority and extent of research.
4. Knowledge of the facts.
5. Analysis of the issues involved.
6. Logic and reasoning.
7. Clarity and organization.
8. Persuasiveness.
9. Thoroughness.
10. Ingenuity and novelty.

**4. Procedure.** Each Memorial will be able to receive a maximum score of fifty (50) points. Every Memorial shall be graded at least three (3) times by three (3) separate Memorial Graders. Scores for each memorial will be averaged by the Competition Director to determine a final Memorial score.

**5. Official Score-Keeper.** The Competition Director or its assign(s) shall serve as the official score-keeper(s) for the Competition. Memorial scores shall be mailed, faxed, or emailed to the Competition Director prior to the Preliminary Rounds. The Competition Director shall be responsible for deducting points from the Memorial for violations of the rules.

**6. Awards.** The final Memorial score will be used to determine awards Nos. 1, 2, 3, and 4.

## **B. Oral Advocacy Stage - Preliminary Rounds.**

**1. Factors.** Each Judge presiding over an oral round shall receive a grading form from the Competition Director outlining the factors to be considered during the judging process. This form shall contain an average oral score so that each Judge has a median number by which to judge the quality of the individual advocates. The factors to be considered are as follows, but the order in which they are listed is in no way indicative of their importance:

1. Poise and courtroom manner.
2. Analysis of the issues.
3. Organization and logical presentation.
4. Familiarity with the law.
5. Thoroughness.
6. Control of the argument.
7. Persuasiveness.
8. Response to questions.
9. General knowledge of the substance and process of international law.
10. Knowledge of the facts.

**2. Procedure.** Each Judge shall independently evaluate every Team member presenting before the Panel at the conclusion of each round and mark an accompanying score in the grading form. The Judges shall not at any time disclose the scores to the Teams. The Judges shall not decide a victor for the round.

**3. Scoring.** The Competition Director shall average the individual scores provided by each Judge to obtain a final oral argument score for each Team member. In the event of a two-judge panel, the Competition director shall average the two scores to obtain the third judge score and proceed

according to the Rules. The Competition Director shall determine each Team's final score for the round by averaging the two individual Team members' final oral argument score. Thus: (Advocate #1 + Advocate #2)/2 will determine the total points for each round. Individual advocate scores will be retained for the Best Advocate award.

**4. Designation of Applicant or Respondent Scores.** In the event a Team member intends to present oral arguments as the Applicant and the Respondent during the Preliminary Rounds, that Team member or their Team Contact must designate to the Competition Director by email prior to the commencement of the Preliminary Rounds which set (Applicant or Respondent) of arguments shall be used to calculate Best Advocate rankings. This designation will be used for awards and overall rankings only, and not for determining the advancement of teams. In the event that no designation is selected, the Competition Director shall utilize the lower set of scores for ranking purposes.

### **C. Oral Advocacy Stage - Quarterfinal Rounds.**

**1. Selection.** The eight Teams having the highest total score from the Preliminary Rounds and the Written Advocacy Stage, will compete in the Quarterfinal Round. Scores for entering into the Quarterfinal Rounds shall be computed as follows: Add the team final score from each Preliminary Round and multiply by .66. To that number add the Memorial scores used to calculate awards 1 through 4 multiplied by .33. The formula is as follows: (Preliminary Round ("PR") 1+PR2+PR3+PR4 + ... )(0.66)+(Final Memorial Applicant score + Final Memorial Respondent score)(0.33).

**2. Advancement.** At the close of the Quarterfinal Round, the Competition Director shall average the individual scores provided by each Judge to obtain a final oral argument score for each participating Team member. The Competition Director shall determine each Team's final score for the round by averaging the two individual Team members' final oral argument score. Thus: (Advocate #1 + Advocate #2)/2 will determine the total points for each round. The Team emerging with the highest total points from each pairing shall advance to the Semifinal Round. At no time during the Competition shall the Competition Director, the judges or any other person reveal the scores awarded in the Semifinal Round.

### **D. Oral Advocacy Stage - Semifinal Rounds.**

**1. Selection.** The teams advancing from each Quarterfinal Round pairing will compete in the Semifinal Rounds.

**2. Advancement.** At the close of the Semifinal Round, the Competition Director shall average the individual scores provided by each Judge to obtain a final oral argument score for each participating Team member. The Competition Director shall determine each Team's final score for the round by averaging the two individual Team members' final oral argument score. Thus: (Advocate #1 + Advocate #2)/2 will determine the total points for each round. The Team emerging with the highest total points from each pairing shall advance to the Final Round. At no time during the Competition shall the Competition Director, the judges or any other person reveal the scores awarded in the Semifinal Round.

### **E. Oral Advocacy Stage - Final Round.**

**1.** At the close of the Final Round, the Competition Director shall average the individual scores provided by each Judge to obtain a final oral argument score for each participating Team member. The Competition Director shall determine each Team's final score for the round by averaging the two individual Team members' final oral argument score. Thus: (Advocate #1 + Advocate

#2)/2 will determine the total points for the round. The team emerging with the highest total points from the Final Round shall be awarded the Niagara Cup.

2. The Niagara Cup shall circulate each year. The name of the winning Team shall be engraved on the Niagara Cup by that Team prior to the next Competition.

#### **E. Tiebreakers.**

1. If two or more Teams are tied for purposes of determining the selection of the Quarterfinal Rounds' participants, the following procedures shall be employed:

a. if the tied Teams have faced each other in the Preliminary Rounds, the winner of that match shall be ranked higher

b. if the tied Teams have not faced each other, or in the event the head-to head match-up was inconclusive, but the teams both argued before the same judge(s) during different rounds during the preliminary round, then the team with the higher total points from any common judge(s) shall be ranked higher.

c. if neither (a) or (b) are applicable, then the team with the higher point differential from their preliminary rounds shall be ranked higher. The point differential shall be calculated as follows: (Total points scored in all four preliminary round pairings – total points scored by opponents in those same four preliminary round pairings)

2. If the Quarterfinal or Semifinal Round(s) results in a tie, the Competition Director shall reconvene the Panel and request that the Judges mutually select a Team to advance. In the event, the Judges are unable to select a Team, the Competition Director shall request that the Judges vote on the advancing Team. The Team receiving two votes shall advance to the Final Round.

3. If the Final Round results in a tie, the Competition Director shall re-convene the Panel and request that the Judges mutually select a Team to receive the Niagara Cup. In the event, the Judges are unable to select a Team, the Competition Director shall request that the Judges vote on the Team. The Team receiving two votes shall receive the Niagara Cup.

4. In the event a tie occurs in the Written Advocacy Stage or individual rankings, the tied teams/individuals jointly shall receive the award.

#### **V. AWARDS.**

The Institute shall award the following at the conclusion of the Competition:

1. Best Team Memorial- Applicant.
  2. Best Team Memorial- Respondent.
  3. Runner-Up Team Memorial- Applicant.
  4. Runner-Up Team Memorial- Respondent.
- Based Exclusively on Preliminary Round Oral Advocacy Stage Scores Only*
5. Best Team Argument - Applicant.
  6. Best Team Argument - Respondent.
  7. Best Advocate.
  8. 2nd Place Advocate.
  9. 3rd Place Advocate.

10. 4th Place Advocate.

11. 5th Place Advocate.

*Based on Advancement to Quarterfinal Round*

12. Quarterfinalist

13. Quarterfinalist

14. Quarterfinalist

15. Quarterfinalist

*Based on Advancement to Semifinal Round*

16. Semifinalist

17. Semifinalist

*Based on Final Round Performance*

18. Niagara Competition Winning Team - Niagara Cup. (1st Place. Final Round Winner)

19. Niagara Competition Runner-Up. (2nd Place. Final Round Runner-Up)

20. The Henry T. King, Jr. Award– to the team best representing the spirit of the Niagara International Moot Court.

## **VI. PENALTIES.**

The Institute reserves the right to assess penalties including disqualification and forfeiture of registration fees. Any penalties assessed shall be determined on a reasonable and appropriate basis for the failure to comply with Competition rules.

## **VII. DISPUTE SETTLEMENT.**

**A.** Complaints and challenges which arise prior to the submission of the Memorials shall be submitted in writing to the Competition Director within seven days of the event giving rise to the complaint of challenge. The Competition Director, in consultation with the Managing Director of the Institute, shall resolve the dispute. The decision is final and binding.

**B.** Conflicts arising at the oral competition must be brought to the attention of the Competition Director in writing within one (1) hour of the close of the round during which the alleged rule violation occurred. Disputes which arise during the course of the oral rounds shall be settled by a panel composed of the faculty advisors of the two (2) affected teams and a third person to be designated by the Competition Director with the guidance of the Institute. The Institute shall appoint any additional persons. The Panel's decision is final and binding.

## **VIII. RESERVATION OF RIGHTS.**

All materials developed by the Institute for the Competition and submitted to the Competition Director by the participating Teams are the sole property of the Institute and may not be reproduced for any purpose other than participation in the Competition unless expressly approved, in writing, by the Competition Director.