

17th INTERNATIONAL MARITIME LAW ARBITRATION MOOT JULY 2016

THE COMPETITION IS ORGANISED
BY
SCHOOL OF LAW
MURDOCH UNIVERSITY PERTH
AUSTRALIA
TEL: +61 8 9360 6820
FAX: +61 8 9360 6053

MOOT DIRECTOR
DR KATE LEWINS
EMAIL: k.lewins@murdoch.edu.au

IMLAM CO-ORDINATOR
MICHELLE BARRON
M.Barron@murdoch.edu.au

IN 2016, THE COMPETITION WILL BE HOSTED BY UNIVERSITY OF EXETER LAW SCHOOL,
ENGLAND

THE RULES

Registration

1.1 Registration Form

Participants must register by submitting the registration form to the Moot Co-ordinator in Perth. It is preferable that this be done prior to the distribution of the problem on Friday 4 December 2015.

The registration form must be completed online via our webpage:
<http://www.murdoch.edu.au/School-of-Law/Mooting/International-Maritime-Law-Arbitration-Moot/>

Registrations will be accepted until 15 January 2016. Teams need not nominate the team members in the registration form, although it is useful to do so if the team has already been decided.

A later date for registration may be negotiated with the Moot Director at the Moot Director's discretion. Acceptance of late registrations cannot be guaranteed.

1.2 Registration Fee

The registration fee of **AUD\$850** must be paid by **Friday 15 January 2016**. Payment must be made by credit card or bank cheque drawn in Australian dollars and made payable to the School of Law, Murdoch University. Further information is provided on the registration form.

1.3 Functions included in registration

Registration includes an invitation to an opening reception for all team members, coaches and accompanying persons, which will be preceded by a briefing for all teams on the procedure to be followed in the oral rounds. It also includes an invitation for up to four team members and accompanying team coach to the awards function on Friday 8 July 2016 following the final round of hearings. Additional team members and accompanying persons are also welcome to attend but will be required to pay for the function.

1.4 Team Contact Person

The registration form includes space for the name and email address of the Team Contact Person. The Team Contact Person can be the Team Coach or a member of the team itself. The Team Contact Person will be sent:

- the team's individual Team Number;
- information relating to accommodation and transport in the place of competition;
- any other relevant organisational material; and
- results of the moot.

The Team Contact Person is expected to:

- have email and Internet access;
- check the moot website and email frequently, particularly as the oral rounds approach and during the competition itself; and
- be responsible for efficiently distributing all mooting material to the team members. Communication between the team and the organisers through any one other than the Team Contact Person is at the risk of the team.

1.5 Withdrawal of Registration

The registration of a team may be withdrawn at any time prior to Thursday 17 March 2016. The Registration Fee will not be refunded after that date.

1.6 Closure of Registrations

Submission of a registration form does not guarantee acceptance of a team. The Moot Director may decide not to accept registrations at any time should the number of registrations exceed operational capacity for that given year.

The Problem

2.1 Subject Matter

The Problem in the moot involves a dispute relating to maritime law.

2.2 Dispute Settlement

The problem has been referred to an Arbitral Tribunal pursuant to the rules stipulated in the problem. Unless the problem states otherwise, the parties have agreed that the seat of

Arbitration will be the fictitious country of Englandia. All States involved are parties to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

2.3 The Competition

By the time the moot begins, the claimant has filed its request for arbitration and preliminary submissions, the respondent has filed its preliminary submissions and the Arbitral Tribunal, consisting of three arbitrators, has been appointed. The Problem will consist of the preliminary submissions with their exhibits plus any orders of the Arbitral Tribunal issued prior to the date on which the problem is distributed. The moot involves writing a Memorandum for BOTH the claimant **AND** the respondent and presenting oral arguments in support of both positions in different moots over the course of the competition.

2.4 Distribution

The Moot Director will distribute the Problem on **Friday 4 December 2015** by posting it on the Maritime Moot Website: <http://www.law.murdoch.edu.au/maritimemoot/index.html>. If the release of the Problem is delayed for any reason, a notice will be placed on the website and teams will be given extra time for the submission of memos.

2.5 Facts

The facts in the dispute that is the subject matter of the moot are given in the problem. Teams are not to introduce additional facts or evidence into the moot unless they are a logical and necessary extension of the given facts.

2.6 Clarifications

Requests for clarification of the problem may be sent to the Moot Director prior to midday **Perth time, Monday 1 February 2016**. Requests for clarification shall be sent by e-mail to imlammoot@gmail.com

Requests for clarification shall:

- Cite the page number of the problem to which their request relates;
- Be limited to matters that would appear to have legal significance in the context of the problem (not simple typographical errors, for example).
- include a short explanation of the expected significance of the clarification.

Clarifications issued will be distributed to all teams by **Friday 12 February 2016** by posting on the Maritime Moot Web Site. Clarifications issued become part of the problem.

3. Teams

3.1 Composition

Each participating law school may enter one team. A team is composed of two or more students. **There is a maximum limit of six students per team and only those students are to be involved in the preparation of the memoranda.** Those students must be registered at that school for the study of law leading to the award of a law degree from that institution.

Students may be registered either for a first degree in law or for an advanced degree in law and need not be from the country in which the law school is located. Students who have completed their studies (by way of completion of the required units necessary for the award of their degree) as at the eligibility date are unable to be part of a team. No student who has been admitted or licensed to practise law is eligible to participate. Therefore any enrolled student who has not yet completed all the units needed to complete their law degree and is not yet admitted to practise law as at 31 December 2015 is able to join the team for their university.

3.2 Participation

All members of the team (but no-one outside the team) may participate in the preparation of the Memoranda.

In each of the oral hearings two members of the team must present the argument. **Other members of the team shall not aid them in any way.** Different members of the team may participate in different hearings. Therefore, between two and six members of one team could participate in the oral hearings. **However, to be eligible for the prize for best speaker in the general rounds, a participant must have argued at least once for the claimant and once for the respondent.**

Participation certificates will only be issued to team members who attend the oral hearings of the competition.

4. Written Memoranda

4.1 Memoranda

- Each team must submit a Memorandum in support of the legal position of **both** the claimant **and** the respondent.
- Each team is to submit an electronic version of both their Memoranda by email to the Moot email account at imlammoot@gmail.com on or before **1600hrs Perth time Wednesday, 20 April 2016**. Hard copies of the Memoranda (with team number only) must be sent (either posted or couriered) within 2 days of that email and, apart from the different cover sheet, must be identical to the emailed version.
- All teams will receive the memoranda of the teams they are scheduled to meet in the oral rounds no less than one week prior to the competition, either by email or by posting the memoranda on the moot website.
- **Only memoranda electronically received by the deadline (Perth time) will be considered for the memoranda prize.** Teams who submit their memoranda up to 72 hours late will still be permitted to compete in the oral competitions.

4.2 Form, length and style

- Memoranda may be no longer than 25 **double spaced** A4 typed pages, including any statement of facts, argument or discussion and footnotes. Cover pages, tables of contents, indices, lists of authorities, maps or other material that does not consist of facts, argument or discussion may be in addition to the 25 page limit.
- No type style smaller than New Times Roman 12 point is to be used except for footnotes.
- Citations must be in the body of the text or in footnotes (**not** endnotes). Citations should be in a form that is intelligible to all who will read the document.

Requirements for electronic version of the Memoranda

- Each team is to submit each electronic memorandum **as one PDF document** in electronic form with a cover page that identifies the name of the participating institution, the students' names, the individual Moot Number of the team and whether the Memorandum is for the claimant or the respondent.
- All components of the memorandum, including cover page and contents pages, are to be part of the one document. **Teams who send several attachments (eg separate title page, separate index, separate argument, separate bibliography) will be asked to resubmit them as a single document.** The document should be allocated a filename that identifies the team number, name of the participating institution, and the side argued without requiring the document to be opened. Eg 'Team 1 MurdochU Claimant'.
- Only when the memorandum is received in the correct, single document PDF format with an appropriate filename will it be considered to have been validly submitted

Requirements for hard copies of the Memoranda

- Hard copies are sent to the memoranda judges. Therefore, to maintain anonymity and ensure no prejudice or bias in the marking of the memoranda, the hard copy is NOT to contain the name of the University nor name the team members.
- The hard copies of the Memorandum must have one cover sheet displaying **only the team's individual Team Number**, as supplied to the Team Contact Person upon registration (see Rule 1.4 above) and whether the Memorandum is for the claimant or the respondent. Thus the cover sheet will say, for example 'Team 1, Memorandum for the Claimant'.
- Apart from the cover page, memoranda shall be printed on **both sides of the paper (in other words, double sided)**. **This is to save paper and reduce the courier costs.** Each side of paper on which part of the memorandum is produced counts as one page for the purposes of the 25-page limit.
- Memoranda must be bound or securely stapled together so that the binding or stapling will hold throughout the moot. Memoranda which are held together by rubber bands, lightweight staples, paperclips, pins or other insecure means are not properly submitted and will not be considered for an award.
- Each team shall send THREE (3) hard copies of each of their claimant's and respondent's memorandum to the Moot Co-ordinator within TWO (2) days of emailing the electronic version.

4.3 Document Revision

No memoranda may be revised for any purpose whatsoever once it has been submitted.

4.4 Scoring of the Memoranda

A panel selected by the Moot Director will score the memoranda on the basis of the quality of the analysis, the persuasiveness of the legal argument, thoroughness of the research and the clarity of the writing. The panel will take an unfavourable view of arguments which are based on facts not found in the problem or the clarifications and which are not logical or necessary extensions of the given facts. The panel will be supplied with copies of the Memoranda, which have on the cover sheet only the teams' individual moot numbers.

The prize for best written memoranda will be awarded to the team with the highest combined ranking for their two memoranda scores. The runner up prize will go to the team with the second highest combined ranking.

4.5 Summary of Deadlines and Place for Submission

The submission of 3 copies of each of the Memorandum should be sent to:

Mrs Michelle Barron
IMLAM Co-ordinator
Room 2.104
Murdoch University School of Law
90 South St
Murdoch WA 6150
AUSTRALIA

Teams should refer to the 2016 Competition Schedule (available on the moot website) for a complete summary of the relevant dates.

5. Oral Hearings

5.1 Venue

In 2016 the oral hearings will be hosted by the Law School, University of Exeter, England. Information about the precise venues for the competition will be made available on the moot website in the weeks prior to the competition. Teams are responsible for the arrangement and funding of their own flights, transport, accommodation and living costs whilst attending the oral hearings. Accommodation nearby, including halls of residence, will be recommended by the host university but it is up to teams to book their accommodation direct. Teams are not obliged to stay at that accommodation.

Teams should aim to be in Exeter no later than the morning of Saturday 2 July. The registration, welcome and briefings are scheduled for Sunday 3 July, but may be brought forward to Saturday 2 July if the number of registered teams is large, in which case mooting will begin on Sunday. Upon registration the teams will be provided with a kit containing important information. Teams are expected to attend the briefing, at which the Director will explain the rules in detail, and deal with the housekeeping of the moot.

5.2 General Rounds

The general rounds will be held on **Monday 4 July 2016, Tuesday 5 July, and Wednesday 6 July, with the possibility of early sessions on Sunday 3 July if the number of registrations dictates it.**

Each team will argue four times in the general rounds; twice as claimant and twice as respondent. Teams should be prepared to be scheduled to argue twice on the same day at least once during the general rounds. While every effort will be made to ensure teams moot CCR or RRCC, this may not always be possible. Teams are welcome to bring business cards to present to the arbitrators, as is usual in arbitration practice.

Each team will receive the memorandum of teams it is to meet in the general rounds by **Friday 24 June 2016 either by email or by posting of all memoranda on the IMLAM moot webpage.** The Moot Director will publish on the moot website the timetable for the general rounds by **Friday 10 June 2016.** Last minute changes to the oral rounds timetable may be necessary in circumstances beyond the control of the Moot Director, such as the last minute withdrawal of a team. In that instance all teams will be advised by email to their team contact person.

The Moot Director will provide the tribunal with the rules of the competition, the problem and any clarifications. When announcing appearances, teams are to provide the tribunal and the opposing team with any outline of submissions (suggested maximum 3 pages) and any bundle of materials upon which they intend to rely. A team who provides a bundle of documents for the tribunal but not their opponent team will be penalised by the deduction of two round points from its moot score for that round. If the failure occurs at their next fixture, then four round points will be deducted from further fixtures. Nothing in this rule requires teams to generate outlines or bundles; rather, it is to guarantee that if produced for the panel then they must be provided to the opponents as well.

A moot will only proceed if both speakers for both teams are present. If both speakers for a team are not present 15 minutes after the published start time of the moot, when the other team is all present, then that other team shall be automatically awarded full round points and a 'win' and the absent team will score no round points. However in that event, any speakers present from either team may obtain raw scores if they elect to proceed with their argument before the arbitrators.

5.3 Duration of Presentation

The oral presentation of each team is thirty minutes. The team must allocate the time equitably so that each team member speaks for equal time (+/- 2 minutes). Teams are to announce to the panel at the outset their division of time. The Claimant team may reserve a portion of their 30 minutes for rebuttal so long as this is advised and agreed with the panel at the outset. There is to be no sur-rebuttal.

The tribunal may allow teams to exceed the overall time limit so long as neither team is allowed more than forty-five minutes to present its arguments, including the time required to answer questions posed by the tribunal.

5.4 Written Memoranda

A participating team is not bound by the terms of its written memorandum in conducting its case at any oral hearing. However they may not introduce additional facts or evidence into the moot unless they are a logical and necessary extension of the given facts.

5.5 Arbitrators

Generally the tribunals will consist of three arbitrators but a hearing may also proceed with two. In the general rounds, no member of an Arbitral Tribunal may judge the same team on the same side of the case more than once. Arbitrators are requested to act during the oral hearings as they would in a real arbitration.

5.6 Order of Presentation

It shall be left to the discretion of the Arbitral Tribunal in each moot to determine the order in which the teams (and speakers) will present the case.

5.7 Scoring

The arbitrators will not take into account whether English is the first or second language of the competitors, but will assess the speakers on their merits.

Teams will be ranked after the completion of the general rounds in the following manner:

- Each of the three arbitrators judging an oral hearing in the general rounds will be asked to score each team and choose a winner. Each arbitrator awards round points of between 1-5 to each team. Therefore each team will score between 3 and 15 for each round.
- If there are only two arbitrators judging an oral hearing, then the average of their scores will be used to calculate a 'third' score for each speaker.
- In four rounds, a maximum score of 60 round points is possible.
- In the event that two teams have the same number of round points, the rank will be determined by their win/loss record. In the event that their win/loss record is the same, then will be decided on raw scores given by the arbitrators.
- In the event that two teams have the same round point score and the same raw scores, the rank will be determined by the teams' scores for the memoranda.

5.8 Quarter-final Round

- If more than 12 teams participate in the general rounds, the eight highest ranked teams at the conclusion of the general rounds will compete in the quarter-final round **on Wednesday afternoon 6 July 2016**.
- for the purposes of the quarter final round, the highest ranked team in the general rounds will be paired with the lowest ranked team, the second with the second lowest, as follows:
 - 1 v 8
 - 2 v 7
 - 3 v 6
 - 4 v 5

- If teams drawn to meet one another in a quarter-final round have not previously met in the general rounds then the decision as to which team will be claimant and which will be respondent will be determined by the flip of a coin (the team that was ranked highest in the general rounds will call the toss). The winner of the toss will have 10 minutes to decide the party for which it wishes to argue in the quarter-final round; or
- If two teams drawn to meet in a quarter-final round have met previously in the general rounds, they will argue for the opposite party in the quarter-final.
- If fewer than 12 teams participate in the general rounds, there will be no quarter-final round.

5.9 Semi-Final Round

- The four winning teams at the end of the quarter-final round will meet in the semi-final round on **Thursday 7 July 2016**.
- The winner of 1 v 8 will meet the winner of 4 v 5. The winner of 2 v 7 will meet the winner of 3 v 6.
 - When one of the 2 teams drawn to meet in any semi-final round was claimant and the other respondent in the quarter-final rounds they will argue for the opposite party in the semi-final round; or
 - If both teams drawn to meet in any semi-final round argued for the claimant or both for the respondent in the quarter-final rounds the decision as to which team will be claimant and which will be respondent for that semi-final round will be determined by the flip of a coin (the team that was ranked highest in the general rounds will call the toss). The winner of the toss will have 10 minutes to decide the party for which it wishes to argue in the semi-final round; unless
 - If two teams drawn to meet in the semi-final round have met previously in the general rounds or the quarter-final round, they will argue for the opposite party in the semi-final.

5.10 Final Round

The two winning teams in the semi-final round will meet in the final round in the afternoon of **Friday 8 July 2016**.

- There will be a flip of a coin to determine which team argues for which party (the team that was ranked highest in the general rounds will call the toss).
- The winner of the toss will have 10 minutes to decide the party for which it wishes to argue in the Final Round.
- Teams shall exchange their written submissions (no longer than 4 pages) by email before 1000 GMT on 8 July 2016, copied to the Moot Director. Teams shall provide paper copies of the submissions to the grand final panel and to their opponents.

5.11 Winning Team

The winning team of the oral hearings of the moot is the team that wins the Final Round. The winning team will be announced at the awards function.

6. Assistance

6.1 Written Memoranda

The Memoranda must be the team's work. Law school staff and coaches should restrict their advice to general matters and should not take over the production and writing of the Memoranda. Teams from jurisdictions where English is not their first language may have a language coach and/or translation assistance.

6.2 Oral Hearings

- There is no restriction on the amount of coaching a team may receive in preparation for the oral hearings.
- No team members, friends or relatives of a team are permitted to attend oral hearings involving other teams. Violation of this rule will disqualify a team from participating beyond the general rounds.
- Once the hearing has commenced, no assistance is to be given to the orallists by the other members of their team or any other person.
- Teams are not permitted to video any moot except for the grand final and then only if the venue permits it (some courts will not).

7. Awards

The following awards will be presented, with any accompanying trophies/prizes being subject to sponsorship:

Winner, Oral Hearings

Runner-up, Oral Hearings

Best Written Memoranda,

Runners up, Best Written Memoranda

Best Speaker, General Rounds (must have argued at least once for claimant and respondent to be eligible)

Best Speaker in the Finals (Ron Salter Award). (Note, if a speaker wins the best speaker in the finals s/he will be rendered ineligible to also win the best speaker in the general rounds.)

Highest ranked team in the general rounds (David Martin-Clark Trophy)

Encouragement award: team (Sarah Derrington Achievement Award)

Encouragement awards: individual/team (in moot director's discretion and dependent on sponsorship)

Spirit of the Moot Award (AMTAC Award)

Best newcomer team in the moot

Other suitable awards, in the discretion of the Moot Director.

8. Interpretation of the Rules

Requests for interpretation of the rules may be addressed to the Moot Director. All interpretation as well as any waivers, consents or other decisions concerning the moot competition are in the sole discretion of the Moot Director. There is no right of appeal from the decisions of the Moot Director.

9. Copyright and broadcasting rights

9.1 Once Memoranda have been submitted for consideration in the competition, copyright in those memoranda will vest in the School of Law, Murdoch University.

9.2 Teams registering for the moot competition will be deemed to have consented to the photographing and/or filming of moots in which they participate (or observe as audience members), and their publication or broadcasting for training or publicity purposes. Any team or team member who does not wish to be filmed is to write to the Moot Director no later than one month prior to the oral rounds. The photographs and films are copyright of the School of Law, Murdoch University.
