INTERNATIONAL MARITIME LAW ARBITRATION MOOT

PERTH
27 JUNE 2008 – 1 JULY 2008

THE RULES

THE COMPETITION IS ORGANISED
BY
SCHOOL OF LAW
MURDOCH UNIVERSITY
PERTH
AUSTRALIA

MOOT DIRECTOR
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Registration

1.1 Registration Form
Participants must register by submitting the registration form to the Moot Director in Perth prior to the distribution of the problem on Tuesday, 29 January 2008. The registration form may be submitted by post, fax or e-mail. A later date for registration may be negotiated with the Moot Director if, in the opinion of the Moot Director, there remains sufficient time for a team to adequately prepare for the moot.

1.2 Registration Fee
The registration fee of AUD$750 must be paid by Tuesday, 29 January 2008. Payment must be made by bank cheque drawn in Australian dollars and made payable to the School of Law, Murdoch University, or by credit card.

1.3 Functions included in registration
Registration includes an invitation to an opening reception for all team members, coaches and accompanying persons on Friday, 27 June 2008, 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 dinner on Tuesday, 1 July 2008 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 dinner.

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 will be sent:
• instructions on whether to prepare the Memorandum either for the claimant or for the respondent;
• the team’s individual Moot Number;
• information relating to accommodation and transport in the place of competition;
• any other relevant organisational material;
• results of the moot.

The Team Contact Person is expected to have email and Internet access and is responsible for efficiently distributing all mooting material to the team members. Communication between the team and the Moot Director through any one other than the Team Contact Person is at the risk of the team. The Team Contact Person can be the Team Coach or a member of the team itself.

1.5 Withdrawal of Registration
The registration of a team may be withdrawn at any time prior to the date for the submission of the Memorandum for the claimant, that is, Tuesday, 25 March 2008. The Registration Fee will not be refunded after Tuesday, 25 March 2008.

A team that submits a Memorandum for the claimant will be paired with a respondent team, which will be sent by email a copy of the claimant’s Memorandum to arrive by Monday, 31 March 2008. These two teams will also be scheduled to compete against each other in the first oral argument in the general rounds. Withdrawal after submission of the Memorandum for the claimant would affect the moot for these two teams. Therefore teams that have submitted the Memorandum for the claimant are expected to participate in the entire moot.

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 L.M.A.A. Terms (2006) of the London Maritime Arbitrators Association. Unless the problem states otherwise, the parties have agreed that the seat of Arbitration will be 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 either the claimant OR the respondent and presenting oral arguments in support of the positions of the claimant AND the respondent.
2.4 Distribution
The Moot Director will distribute the Problem on Tuesday, 29 January 2008 by posting it on the Maritime Moot Web Site:

2.5 Facts
The facts in the dispute that is the subject matter of the moot are given in the problem. No additional facts may be introduced 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 Friday 15 February 2008 at k.lewins@murdoch.edu.au. Requests for clarification shall be sent by e-mail. Requests for clarification should be limited to matters that would appear to have legal significance in the context of the problem. A request for clarification must include a short explanation of the expected significance of the clarification. Clarifications issued will be distributed to all teams by Friday, 22 February 2008 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 registered at the school for the study of law. There is a maximum limit of six students per team. Students may be registered either for a first degree in law or for an advanced degree and need not be from the country in which the law school is located. No student who has been admitted or licensed to practise law is eligible to participate. Eligibility to participate in the moot is determined as at Friday, 28 December 2007.

3.2 Participation
All members of the team may participate in the preparation of the Memorandum.

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, a participant must have argued at least once for the claimant and once for the respondent.

4. Written Memoranda

4.1 Memoranda
- Each team must submit a Memorandum in support of the legal position of **either** the claimant **or** the respondent as instructed by the Moot Director.
• Teams will be allocated alternately the case for the claimant or the respondent in order of receipt of the registration forms and will be referred to as either a claimant team or a respondent team. **Prior to the release of the problem**, a team may request the Moot Director to allocate it a particular case to accommodate that team’s academic calendar.

• Each team is to submit an electronic version of their Memorandum by email to the Moot Director together with 4 hard copies of the Memorandum.

• A claimant team must submit the Memorandum for the claimant by email attachment on or before midnight Perth time, Tuesday, 25 March 2008. Hard copies of the Memorandum must be posted or couriered within 2 days of that email and must be identical to the emailed version.

• Each claimant team will be paired with a respondent team, which will be emailed a copy of the claimant’s Memorandum to arrive by Monday, 31 March 2008.

• Any Memorandum for the respondent must be responsive to the claimant’s Memorandum, which was sent to the particular respondent team. A respondent team may make additional arguments, which were not raised by the claimant team’s Memorandum but these arguments must be clearly identified as being additional to the response to the claimant’s case.

• A respondent team must submit the Memorandum for the respondent by email attachment on or before midnight Perth time Monday, 26 May 2008. Hard copies of the Memorandum must be posted or couriered within 2 days of that email and must be identical to the emailed version.

• Once the Moot Director has received the respondent teams’ Memoranda, all teams’ memoranda will be placed on the moot website. This will occur no later than 29 May 2008.

• Only memoranda 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 allowed to compete in the oral competitions.

4.2 Form, length and style

• Memoranda may be no longer than 40 **double spaced** 8½ x 11 inch or A4 typed pages, including any statement of facts, argument or discussion and footnotes. Cover pages, tables of contents, indices, lists of authorities or other material that does not consist of facts, argument or discussion may be in addition to the 40 page limit.

• No type style smaller that 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** end notes). Citations should be in a form that is intelligible to all who will read the Memoranda.

Requirements for electronic version of the Memoranda

• Each team is to submit as one document its full Memorandum in electronic form with a title page that identifies ONLY the individual Moot Number of the team and whether the Memorandum is for the claimant or the respondent.

• All components of the memorandum, including title page, 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 is to be named in such a way as identifies the team number and the side argued without requiring the document to be opened. Eg ‘team 1 Claimant’s memo’.

- Only when the memorandum is received in the correct, single document format and appropriately named will it be considered validly submitted.
- Each team is also to submit, as a separate document, a single page coversheet which must indicate 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.
- The accepted formats for the electronic documents are PDF or Microsoft Word.

Requirements for hard copies of the Memoranda

- Memoranda should be reproduced on both sides of the paper (in other words, double sided). Each side of paper on which part of the memorandum is produced counts as one page for the purposes of the 40-page limit stated earlier in this rule.
- 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 FOUR (4) hard copies of their memorandum to the Moot Director within TWO (2) days of sending the electronic version.
- The hard copies of the Memorandum must have two cover sheets:
  i. The first cover sheet must indicate the name of the participating institution, the students’ names, and the individual Moot Number of the team. The first cover sheet must also indicate whether the Memorandum is for the claimant or the respondent.
  ii. The second cover sheet must have on it only the team’s individual Moot Number, which was supplied to the Team Contact Person upon registration (see Rule 1.4 above).

  [The purpose of this requirement is to protect the anonymity of the teams to ensure no prejudice or bias is shown in the assessment of the written memorandum.]

4.3 Memoranda Revision
A Memorandum may not 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.

4.6 Summary of Deadlines and Place for Submission of Memoranda
The submission of 4 copies of the Memorandum should be sent to:
Teams should refer to the 2008 Schedule (available on the moot website) for a complete summary of the relevant dates.

5. Oral Hearings

5.1 Venue
In 2008 the oral hearings will be held at the School of Law, Murdoch University, Perth Australia.

5.2 General Rounds
Each team will argue four times in the general rounds, twice as claimant and twice as respondent.

The Moot Director will publish on the moot website the timetable for the general rounds by **Thursday 29 May 2008** together with the memoranda of all teams.

The general rounds will be held on **Saturday, 28 June 2008, Sunday 29 June 2008, and Monday 30 June 2008**. Teams should expect to argue twice per day at least once in the general rounds.

The Moot Director will provide the tribunal with the rules of the competition, the problem and any clarifications. When announcing appearances, teams may provide the tribunal with an outline of argument and bundle of materials and the opposing team should be provided with a copy of the outline at the same time.

A moot should only proceed if both speakers for both teams are present. If both speakers for a team are not present by 15 minutes after the published start time of the moot, then the other team shall be automatically awarded 3 round points 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 should allocate the time equitably so that each team member speaks for 15 minutes. The tribunal may allow teams to exceed the 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.

5.5 Arbitrators
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 will present the case.

5.7 Scoring
Arbitrators will score the oral arguments without knowledge of the results of earlier arguments. 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 -3 to each team. Therefore a team will score between 3 and 9 for each round.
- in four rounds, a maximum score of 36 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
- for the purposes of each final round, the highest ranked team in the general rounds will be paired with the lowest ranked team and so on.

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 in the afternoon of **Monday, 30 June 2008**.
  - 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 **Tuesday, 1 July 2008**.
  - 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.
- If there is no quarter-final round, the semi-final round will be held on the morning of **Tuesday, 1 July 2008**.

5.10 Final Round

The two winning teams in the semi-final round will meet in the final round in the afternoon/evening of **Tuesday, 1 July 2008**.

- 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.

5.11 Winning Team

The winning team of the oral hearings of the moot is the team that wins the final round.

6. Assistance

6.1 Written Memoranda

The Memorandum 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 Memorandum. Teams from jurisdictions where English is not the mother tongue 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 hearings involving another team. 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.
- Videotaping of any moot is not permitted except for the grand final.
7. Awards

Winner, Oral Hearings
Runner-up, Oral Hearings
Best written Memorandum for the Claimant.
Best written Memorandum for the Respondent.
Best Speaker, General Rounds
Best Speaker in the Finals (Ron Salter Award)
Highest ranked team in the general rounds
Encouragement award: team
Encouragement award: individual (Sarah Derrington Achievement Award)

8. Interpretation of the Rules

Requests for interpretation of the rules may be addressed to the Moot Director. All interpretations 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

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

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