

PAX Moot Court Rules

The 2024 Petar Šarčević Round



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I. DEFINITIONS AND INTERPRETATIONS

1. Definitions

1.1. The following definitions are used in the Rules:

- “Bench” means private international law experts assessing either written pleadings or oral arguments (or both);
- “Case” or “Problem” means a hypothetical law problem, which will be pleaded during the Competition;
- “Competition” means the annual Pax Moot Round, each year named after a famous academic or practitioner in the field of Private International Law;
- “Court” means the Bench or a part hereof at the Oral Round;
- “OT” means an organising team to help in the arranging of the Competition under the direction of the Executive Secretariat

2. Case

2.1. The Case is a hypothetical private international law problem, which is pleaded in front of the Court during the Competition, and which is prepared yearly by private international law experts upon the invitation of the OT. The Case is published in October on [the website of the Pax Moot Court](#).

3. Executive Secretariat

3.1. The OT will designate an Executive Secretariat among its members. The Executive Secretariat’s task, other than specified in the following paragraphs, is to ensure that the Competition is carried out in consistency with the overall spirit and aim of the Competition and to resolve all matters which would otherwise be detrimental to the organisation of the Competition. In particular, where the Bench is not able to reach a decision, the Executive Secretariat will have the final decision, including but not limited to matters of disqualification and calculation of results.

3.2. All decisions of the Executive Secretariat are final and not subject to appeal.

II. THE COMPETITION

4. Structure

4.1 The Competition consists of two phases:

- a written phase, in which all teams shall prepare written pleadings for both the Applicant and the Respondent;
- and an oral phase, in which the teams who are selected on the basis of their written pleadings according to Article 16 of the Rules, shall defend their argumentation before the Court, pleading for both, the Applicant and the Respondent.

5. Language

5.1. English is the official language throughout the Competition. Participants must use exclusively English in the written and oral phases of the Competition.

III. PARTICIPATION

6. Admission of teams

6.1. There shall only be one team per university.

6.2. Only students from a university or law faculty enrolled in undergraduate or master programmes, without already having obtained a bar qualification, are allowed to participate in the Competition. If deemed necessary, the Executive Secretariat may request the students to present a valid proof of enrolment in an undergraduate or master programme, for the purposes of assessing the student's eligibility in the Competition.

6.3. The team shall consist of two to four law students, and they must be enrolled in the same university or law faculty. Students being on exchange in another country are eligible to participate as team members of the host university. The teams shall submit their team composition via the registration form available at the Competition's website.

6.4. Any change in the composition of a team shall be communicated through the Competition's official email account (info@paxmoot.eu) and will only be permitted after approval by the Executive Secretariat.

6.5. Each team may have one or more team coaches. The team coach may only assist in general discussions concerning the Case, general points of law, research techniques, linguistic matters or presentational skills, and may give no substantive advice during both phases of the Competition. The team coach is not allowed to actively take part in the oral pleadings once the Competition has begun officially. Teams that are deemed to have breached this rule will be disqualified with immediate effect by the Executive Secretariat.

6.6. Team members and team coaches are not allowed to communicate with the Bench about Competition related matters throughout the Competition.

7. Registration

7.1 A team is considered as a participating team after completing the registration form available on the [website of the Pax Moot Court](#), and receiving timely confirmation of registration from the Executive Secretariat.

IV. OVERRIDING PRINCIPLES

8. Fair play

8.1. Participants are expected to comply fully with the standards of academic honesty, fairness, and integrity, at all stages of the Competition. They must show respect to all other participants, judges, and organisers.

9. Anonymity

9.1. Strict anonymity of the teams is required during the written phase of the Competition. For this reason, each team must indicate an alias when submitting the written memorials. Submissions in breach of the strict anonymity rule will not be accepted by the Executive Secretariat.

9.2. During the Competition, teams shall not refer to their opponent, whether personally or as a group, explicitly by their personal identity. Instead, they are encouraged to use official references such as “the Applicant” and “the Respondent”.

10. External Assistance

10.1. Participation in both phases of the Competition must be an effort of the team only. External assistance that would interfere with the final submission of memorials or with the oral pleadings, is strictly prohibited and will be severely penalised upon determination by the Executive Secretariat. External assistance to teams, including that from a faculty member, coach, or similar, shall be limited to a general discussion of issues, suggestions as to research resources, and linguistic help.

10.2. During the oral phase of the Competition, the sharing of another team’s substantial arguments with its future opponents is especially prohibited, and may result in severe point deductions or disqualification from the Competition, at the discretion of the Executive Secretariat.

V. TIMELINE OF COMPETITION

11. Timeline

11.1 The detailed timeline of the Competition is available on the [website of the Pax Moot Court](#).

12. Clarifications and Problem Corrections

12.1. Each team may submit a maximum of 5 clarification questions, up until the date mentioned in the schedule of the Competition, after which no more questions may be submitted unless a reasonable justification is provided to and accepted by the Executive Secretariat.

12.2. Requests for clarification should be limited to matters that would appear to have legal significance in the context of the Case. A request for clarification must include a short explanation of the expected significance of the clarification. Any request that does not contain such an explanation will not be considered.

12.3. Requests for clarifications must be sent to the Competition’s official e-mail account (info@paxmoot.eu) under the header “Request for Clarification”. The Executive Secretariat will transfer the questions to the OT.

12.4. The OT shall issue a single Problem Corrections and Clarifications document after all questions have been submitted, and any further clarifications shall be decided on a case-by-case basis. The Executive Secretariat will publish the Problem Corrections and Clarifications on the website of the Pax Moot Court, within the deadline indicated on Competition’s schedule.

12.5. Each team must ensure that it has access to and adequately notes the Problem Corrections and Clarifications in preparation for the Competition.

VI. WRITTEN PHASE

13. The Memorials

13.1. Every team must submit two written memorials, one on behalf of the Applicant and one on behalf of the Respondent. The written pleading on behalf of the Respondent should hypothetically be responding to the team's own Applicant case, hence it is advised to finalize the written memorial on behalf of the Applicant first.

13.2. The form:

- Colour of the external cover background shall be red for the Applicant and blue for the Respondent;
- Each written memorial shall be typewritten on A4 paper sheets, the font is Times New Roman, the type face is 1,5 spaced (interlinear space), 12pt font size, 3cm margin top and bottom, 2cm margin each side; kerning is not allowed;
- Pages of the written memorials shall be numbered continuously at the bottom of each page;
- Footnotes shall be numbered continuously at the bottom of the page and presented in OSCOLA format;
- Written pleadings shall be submitted only in PDF format.

13.3. Each written memorial shall have a minimum of 8 and maximum of 12 pages (title page, table of contents, bibliography, and index of authorities excluded). The statement of the facts shall not exceed one page. The memorial may end with the succinct exposition of the submissions of the party concerned (*petitum*).

13.4. The identity of the teams behind the alias chosen upon registration shall not be revealed to the Bench.

13.5. Infractions

13.5.1. Infractions of the instructions regarding the written pleadings may result in penalties to teams, that is a loss of points or possible disqualification. Minor infractions may be ignored at the discretion of the Executive Secretariat. Notwithstanding other provisions contained in the Rules, the following infractions may result in penalties to teams:

13.5.2. Exceeding the stipulated length of written pleading. An argument section exceeding stipulated length will result in:

- One page exceeding = minus 2 points.
- Two pages exceeding = minus 4 points.
- Three pages exceeding = compulsory disqualification.

13.5.3 Non-conformity with formalities, such as interlinear space (per page), margins, etc. will result in a 2 point reduction of the written submission score.

13.5.4. In the case of minor infractions, the Executive Secretariat may send the written memorial back to the team with comments. It is solely the team's responsibility to correct the minor infractions on the written memorial within the submission deadline.

14. Submission

14.1. The teams must submit the written memorial through the official channel provided on the Competition's website.

14.2. No team may revise, substitute, add to, delete or in any other manner alter its written memorials after submission, unless provided otherwise by the Rules.

14.3. Delayed submission of the written memorials.

14.3.1. The date of submission will be the deadline for sending the written memorials to the Executive Secretariat as per indicated on the Competition's schedule, available on the [website of the Pax Moot Court](#).

14.3.2. A delayed submission will result in:

- One hour late = minus 1 point.
- Any delay after that = minus 5 points.
- One day late = compulsory disqualification.

15. The Evaluation of the Memorials

15.1. The written memorials for the Competition shall be judged by the Bench.

15.2. Each memorial shall be judged individually by two members of the Bench, acting independently of one another.

15.3. Memorial Scoring Structure

a. Scores are awarded out of a maximum of 35 points.

b. Scores are awarded for:

- i. Legal analysis: 10 points.
- ii. Research and use of authority: 10 points.
- iii. Clarity of argument and persuasiveness: 10 points.
- iv. Grammar & style: 5 points.

c. Grading Sheets of the written Memorials will be emailed to each team upon the completion of the Competition, together with the Grading Sheets of the Oral Rounds.

15.4. The final score for a memorial shall be the total points awarded by the 2 members of the Bench minus any penalty points. The maximum number of points that a team can score for the memorials (Applicant and Respondent together) is 70.

VII. ORAL ROUND

16. Team Selection

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

16.2. Participation in practice moots or training sessions with other teams prior to the oral round is allowed.

17. The Oral Arguments

17.1. Each team shall prepare an oral argument for the Applicant and an oral argument for the Respondent. The oral arguments shall be presented in English. During the general rounds each team shall present an oral argument in 4 of the sessions of the general rounds: twice as Applicant and twice as Respondent. Per session of the general rounds, 2 team members shall present the team's oral argument for the Applicant or for the Respondent.

17.2. Teams are expected to be available for the entire duration of the oral rounds. In case of a last-minute absence of a team, other teams will be invited to act as a stand-in. Teams acting as a stand-in will be scored as well. The substitute team's commitment is rewarded by taking into account its stand-in score, when this is higher than the score obtained in its regular sessions for the same role.

17.3. In each session of the oral rounds, teams shall be assigned a side (Applicant or Respondent) to represent. This will be randomly assigned by the Executive Secretariat when drafting the agenda of the Competition, but it shall always assure that teams will represent each side twice over the entire general rounds (twice as Applicant and twice as Respondent). The written memorials of a team are not sent to its opposing team.

17.4. Teams are expected to plead only on private international law issues and are not allowed to address the content of the applicable national law.

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

17.6. The order of the pleadings in each session of the oral rounds, and at all levels of the Competition is:

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

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

18. Number of Pleaders

18.1. Each team must have 2 and only 2 pleaders during each session of the oral rounds.

18.2. Both pleaders must participate in their team's oral submissions, dividing the team's speaking time amongst themselves to 2 more or less equal time slots.

18.3. The 3^d and 4th team members may sit at the team's table at each session as silent researchers. Oral participation of the researchers during the pleadings is strictly forbidden and may be penalised by deduction of points under the discretion of the Executive Secretariat, if reported by the Court as having a negative impact on the proceedings. The researchers are allowed to pass documentation or notes to the pleaders.

18.4. When teams participate remotely, the researchers are allowed to communicate with the other team members by making use of the private chat function of electronic platform. Any communication between the coach and the team is forbidden during the session. The host of the session will check the private chats after each session in order to make sure that this rule has not been broken during the session. The 4 team members and the coach must keep their webcams on during the whole session.

18.5. The coach who attends the oral pleadings must seat behind their team at all times in order to avoid any contact between the team and the coach during the session.

19. No Use of Electronic Devices

19.1. No electronic devices (such as tablets, mobile phones, smart watches, laptops, etc.) are allowed during the pleadings. During the pleadings, a team may only use **hard copies** of the following materials: memoranda, supporting documents (i.e. legislation, case law, or doctrine), and materials that could be used to rebut arguments brought forward by the opposing team.

19.2. The use of a (digital) stopwatch is prohibited also for the purposes of time control. The pleaders shall solely rely on the indications of time given by the timekeepers of each session.

20. Prohibition of Scouting

20.1. During the general rounds none of the team members or coaches of the team, shall be allowed to attend any sessions other than those in which the team is pleading.

21. Spectators

21.1. The presence of team coaches or other spectators affiliated with the team is permitted in the courtroom during an oral round in which the team is competing. Teams are responsible for ensuring that their spectators do not engage in any disruptive behaviour. The spectators must refrain from any comments or extravagant facial expressions, as these may be interpreted as influence by the Court.

21.2. During the session in which a team presents its oral pleadings, all members of the team may be seated at the team table. No oral or written communication may take place between the team table and their coach and/or any member of the audience present in the courtroom.

22. Questions from the Court

22.1. Members of the Court are invited and encouraged to question the pleader on any point of its argument. There are significant differences in style dependent both on individual personalities and on perceptions of the role of a judge in oral argument. Some judges may interrupt a presentation with persistent or challenging questioning, whilst others may listen to an entire argument without asking any questions. Therefore, teams should be prepared for both styles of sessions.

22.2. Judges and teams must be aware that time taken up in replying to the Court's questions counts against the allocated 40 minutes time per team.

23. Duration of Oral Presentation and Time Keeping

23.1. In principle, 40 minutes are allocated to the pleadings of each team. The team should allocate equitably the time available to the two individual pleaders. The time allocation should take into account the time to answer eventual questions from the Court.

23.2. The time taken up in replying to the Court's questions counts against the allocated 40 minutes time per team. Pleadings should be concise in their replies to questions. The timekeeper stops the time while a judge has the floor. When the pleader starts responding to the judge's question, time restarts to run.

23.3. The timekeeper shall indicate (signs 5, 1, 0) the last minutes of the time allocated to the pleader and will inform the Court when the available time has expired. The Court, taking notice of the timekeeper's advice, may exceed the time limits stated, so long as neither team is allowed more than 45 minutes to present its argument, including the time necessary to answer the questions of the Court. It is the responsibility of the Court to ensure that the teams are treated fairly.

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

24. No Interim Feedback during General Rounds or after the Semi-Finals

24.1. Judges are prohibited from giving feedback to teams throughout the entire duration of the Competition. Both substantive feedback and tips on advocacy skills are prohibited. Judges are encouraged to give feedback through the Grading Sheets.

25. The Judging of the Oral Arguments

25.1. The oral arguments shall be judged by a Court consisting of 3 judges, with a minimum of 2 judges present. A member of the Court shall not take part in a hearing involving a team from the University he or she is professionally engaged with. Additionally, a member of the Court shall not participate in a hearing involving one of the opponents of the team from the University he or she is professionally engaged with.

25.2 A team coach within the meaning of article 6.5 of the Rules is prohibited from acting as a judge.

25.3. During an oral pleading, scores are rewarded out of a maximum of 20 points per pleader. Scores are allocated as follows:

- i. **Knowledge of the Law.** Accurately states and applies rules of law. Demonstrates knowledge of cited cases. Presents strong legal arguments and distinguishing unfavourable authorities: (5 points)
- ii. **Knowledge of the Facts.** Knows and fairly/accurately interprets the facts: (5 points)
- iii. **Questions & Answers.** Deftly and directly answers questions about facts, law and policy. Makes strategic concessions and seamlessly ties Q&A into argument: (5 points)
- iv. **Style, Poise, Demeanor, Organization and Time Management.** Conveys formality, respect and professionalism while maintaining a conversational and engaged tone. Maintains posture and eye contact with the full bench. Clearly follows a logical roadmap,

spending sufficient time on each principal issue, while maintaining an effective tempo. (5 points)

25.4. At the end of each session, each judge completes a separate Grading Sheet. Judges are encouraged to write down constructive feedback that they may have in relation to each oralist, as the participants receive copies of the Grading Sheets after the Competition. Per judge, the team with the higher total score shall earn a win (1 point). In case of a tie in points between two teams, each team earns a draw (0,5 point).

25.5. After the general rounds in which each team pleaded 4 times according to Article 17.1 of the Rules, the 4 teams with the highest number of points based on the overall wins and draws shall participate in the semi-final rounds.

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

In case of 30 participating teams or more, an additional quarter-final may be organised, including the 8 teams with the highest number of points based on the overall wins and draws in the general rounds. Whether to organise a quarter-final will be decided by the OT immediately after the deadline for submission of the memorials.

25.6. The winners of each quarter-final shall proceed to participate in the semi-final rounds. The two winners of the semi-final rounds compete in the final round.

The judges may not award a draw in the quarter-finals, semi-finals, or final round, but have to deliberate in order to decide on a winner.

VIII. AWARDS

26. Certificate of Participation

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

27. Best Written Pleadings Award

27.1. The winner of the Best Written Pleadings Award shall be the team with the highest overall score on the written memorials (i.e. the highest total score, after adding up the Applicant score and the Respondent score).

28. Best Pleader Award

28.1. The winner of the Best Pleader Award shall be the person acting as either Applicant or Respondent with the highest average individual score in the general rounds.

28.2. To be considered for this award, a pleader must argue in at least two pleadings and for at least 15 minutes per pleading throughout the Competition.

29. Winning Team

29.1. The Winning Team shall be the winning team of the final round. The Winning Team shall receive an award.

The Winner, Runner-Up, Best Pleader, and Best Written Pleadings will be included in the [PAX Hall of Fame](#).