

# **Law & Religion**

## Moot Court Competition *in Bologna*

6-7 March 2018

Bologna, Italy

Competition Rules

## **1.0 – General Rules**

### **1.1 – The Organizing Committee and the Host**

- The Competition is organized by an Organizing Committee of law scholars and hosted by the European Academy of Religion. The members of the Organizing Committee are published online on this website.
- The Organizing Committee shall be responsible for all organizational matters concerning the Competition and shall supply and distribute all necessary information to the participating teams.
- The Host is the European Academy of Religion, which will be responsible for the Competition's logistic.

### **1.2 - The Drafting Committee**

- The Drafting Committee is composed by a panel of qualified jurists, whose names and affiliations are published online on this website.
- The Drafting Committee has the task of drafting the Case, which will be published online on this website on September 29, 2017.

### **1.3 – The Judges**

- The Law & Religion Moot Court Competition will constitute two panels of scholars who will act as Judges of one the two following Courts:

The European Court of Human Rights  
The Supreme Court of the United States

- The names, affiliation and the professional profile of the Judges (3 members for each Court) are published online on this website.

### **1.4 – Teams and Team Advisor**

- The competition is open to students enrolled in a university pursuing an under-graduate or graduate degree in Law.
- Teams made up of students coming from different universities are eligible to participate in the Competition at the discretion of the Organizing Committee.
- Applying Teams may decide whether to argue the Case in front of one of the two Courts or in front of both.
- Participating Teams may be composed of a minimum of 2 to a maximum of 4 members. Whether a Team decides to compete for both Courts, the number of team members can reach the 6 units.
- Only team members can be involved in the work of the Team.
- Each Team may decide to be assisted by a Team Advisor who has the task of organizing, advising and training the members. The Team Advisor is not allowed to actively take part in the Oral Pleading, however she/he may attend.

## 2.0 – Structure of the Competition

### 2.1 – Timeline

**29 September 2017** Online release of the Case.

**9 October 2017** Deadline for requests from Teams for clarifications regarding the facts of the competition case.

**18 October 2017** Deadline for the Organizing Committee for responding to the requests for clarification.

**1 November 2017** Deadline for registration and for each team's declaration to opt for pleading before one of the two Courts or both.

**10 December 2017** Submission of two briefs.  
For each Court it is pleading before, each Team files two briefs, respectively one for the applicant and one for the respondent. If the teams exceed the number of four for each jurisdiction, the organization will decide if a selection of teams is needed; this will be based on the quality of the briefs that have been filed.

**20 December 2017** The organization will publish the results of the selection and will assign a role to each Team.

**6-7 March 2018** The selected teams will gather in Bologna for the oral rounds.

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### 2.2 - Structure

The oral round will take place over a period of 2 days (3 Sessions):

#### SESSION 1

6 March 2018 – Morning. The Organizing Committee will present the Competition and the topic of the case.

At the end of the session, the students, together with their Team Advisor, will have the time to refine their pleadings in the light of the aforementioned presentation.

#### SESSION 2

6 March 2018 – Afternoon. The hearings before one Court (to be determined) will take place.

7 March 2018 – Morning. The hearings before the other Court (to be determined) will take place.

At the hearings before the Supreme Court of the United States, each Team will be allotted 30 minutes to present their pleadings; the Applicant Teams will have 5 minutes for rebuttal

At the hearings before the European Court of Human Rights, each Team will be allotted 30 minutes to present their pleadings plus 5 minutes for rebuttal, during which the judges will have the opportunity to formulate some questions.

#### SESSION 3

7 March 2018 – Afternoon. Each Court will express a judgment about the work of the Teams, will give some advices about the presentations and will declare which Team was best in both filing a brief and

arguing and who was the Best Speaker. If two or more Teams have argued before both Courts, a Team will be proclaimed winner of the competition.

### **2.3 – Language**

The Competition (written Briefs, oral Pleadings and judgments) will be entirely held in English. No translation will be provided.

## **3.0 Registration**

### **3.1 – Team Registration**

- Each Team must register by completing the Registration Form online on this website by the deadline specified in the official Timeline (2.1).
- At the time of registration, each Team shall select a Member who will be both the official Team contact person and the responsible for the correspondence between the Team and the Organization.  
Notice sent to the Team contact person constitutes notice to all of the Team members.
- In the online Registration Form each Team may decide to specify whether they will be supported by a Team Advisor.
- In the online Registration form each Team must select the Court before which they intend to plead the case or decide to select both.
- After completing the online registration procedure, participating Teams will be confirmed their registration and will be provided with a Team Number, which will serve as their unique identifier.

## **4.0 Case and Clarifications**

### **4.1 – The Case**

- A fictitious case is drafted by the Drafting Committee. The Case shall concern human rights, social rights and religious freedom.
- The case will be published online on this website on the date specified in the Timeline (2.1).

### **4.2 – Request for Clarifications**

- Each Team may make a formal request via e-mail to the Organizing Committee for clarifications regarding the facts of the competition Case. Only one formal request for clarifications with a maximum of 3 questions may be made by any applying team. It is forbidden to contact individual members of Organizing Committee directly.
- Requests must be submitted by the deadline specified in the Timeline (2.1). Any request submitted after this deadline will not be taken into account.
- The Organizing Committee will reply to any request by the date specified in the Timeline (2.1).
- Questions and replies of general interest for the applying Teams will be made available online on this website.

## 5.0 Briefs

### 5.1 - General Rules

- By the above-mentioned deadline (2.1) each Team must prepare two written Briefs, one for the applicant and one for the respondent, for each Court it is pleading before. A Team may totally file four briefs (two for the two applicants and the other two for the two respondents), in the event it applies to compete before each of the two Courts.
- Written Briefs will be used by the Organizing Committee in order to select the Teams and distribute roles among them.
- After roles are assigned to selected teams, each Team will receive the relevant Brief of the Team it is arguing against; no other Briefs will be circulated before the hearings are held (e.g., if Team A applies and Team B responds, Team A will receive only Team B's respondent Brief only).
- After each selected Team is accorded a role, the Briefs will be assessed by the Judges for the purposes of the final score.
- Each Brief shall be written in English.
- Each Brief shall be no longer than 16 pages.
- The couple of Briefs must be submitted by e-mail to [mcbologna2018@gmail.com](mailto:mcbologna2018@gmail.com) within a single email.
- Each Brief must be electronically submitted in PDF format.
- The object of the email whereby each team submits the Briefs must specify: a) Team number; b) the jurisdiction (i.e. ECHR or US Supreme Court).
- The Organization will notify each Team upon receiving the Briefs.

### 5.2 – Parts of the Brief

- a. Front Page
- b. Table of contents
- c. List of sources/authorities
- d. Statement of Relevant Facts
- e. Questions Presented
- f. Summary of Arguments
- g. Arguments
- h. Prayer/Relief Sought

#### *a. Front Page*

The Front Page of the Brief must have only the following information, which should be in the following order:

The Team Number followed by "A" if an Applicant Brief or "R" if a Respondent Brief.  
The name of the Case  
The title of the document (i.e., "Brief for Respondent" or "Brief for Applicant")

#### *b. List of Sources/Authorities and Footnotes*

The list of sources must contain references to all page numbers where sources or authorities are used or cited in the “Arguments” section of the Brief.

*c. Statement of Relevant Facts*

The Statement of Relevant Facts should be limited to facts relevant to the “Arguments” section in the Brief, and may not include unsupported facts, distortions of stated facts, argumentative statements, or legal conclusions.

*d. Questions Presented*

In this section teams should present the legal questions the Court is being called upon to decide in the context of the case. They must be presented as neutral questions, i.e. teams should not state their position on the questions raised in this section.

(b) The questions must be precise, relevant to the facts and each question should ideally not be more than a sentence. While each legal question might have further sub-questions, teams must state only the main legal questions in this section. Usually, there are 4-5 main legal questions in every problem.

*e. Summary of Arguments*

A good Summary of Arguments should consist of a substantive summary of the “Arguments” section of the Brief, rather than a simple reproduction of the headings contained in the Arguments section.

*f. Arguments*

Substantive, affirmative legal argument or legal interpretation of the facts of the Case may only be presented in the “Arguments” section of the Memorial.

### **5.3 - Format and Style**

- All parts of each Brief, except for the front page, the table of contents, must be in Times New Roman, size 12 and double-spaced. Margins: 2,5 cm.
- Headings and sub-headings throughout the Briefs may be in a different font size, underlined and/or highlighted.
- Footnotes must be single-spaced, Times New Roman, size 10.
- Any discrepancy between the format and the Style as described in this Section and the Brief received by the Committee can amount to a cause of exclusion of the Team from the Competition.

### **5.4 – Anonymity of Briefs**

- Names of participants, and the nations or school name of Teams cannot appear on or within the Briefs. Each Team will be given a Team Number, which shall substitute the Team’s institutional affiliation.

## **6.0 – Selection**

The Organizing Committee will assign alternatively the role of applicant or of respondent to each of the applying Teams. The roles’ assignment will be based solely on the substance of the arguments presented in the briefs and will try to make the applicants’ and the respondents’ arguments match.

If the Teams applying before each Court exceed the number of four, the Organizing Committee will decide which Teams will be selected for the Oral Pleadings. The Organizing Committee may decide to select the Team to compete only before one Court out of the two it applied for.

Teams competing before the two Courts may be given different roles (e.g., a Team may be requested to compete as an applicant before the American Supreme Court, and as a respondent before the European Court of Human Rights).

## 7.0 – Oral Pleadings

### 7.1 - General Rules

- The selected Teams will participate in the Oral rounds of the Competition, which will be held in Bologna, Italy.
- Each Team must prepare the Oral Pleadings for the role that was previously assigned by the Organizing Committee. If a Team has successfully applied for both Courts, it will have to prepare the Oral Pleadings before both Courts.
- Unlike for Teams competing for the European Court of Human Rights, Respondent Teams before the Supreme Court of the United States will not have to prepare a rebuttal.
- The Oral Pleadings will be in English.
- Any breach of the pleadings' rules will be assessed by the sitting Court and may have consequences on a Team's score or lead to its exclusion from the Competition.

### 7.2 – Time allocation

- Each Team shall have 30 minutes to present their arguments, plus 5 minutes for the rebuttal. Each Team may divide its total 35 minutes as it deems best provided that:
  - A minimum of 1 Member and a maximum of 2 Members shall present the Pleadings.
  - No less than 5 minutes shall be used for the rebuttal.
- A Member of the Organizing Committee will indicate the elapsed time at request of the Judges.

### 7.3 – Communication during Oral Pleadings

- During the Oral Round, communication is limited to the Judges and the Speaker presenting a Team's arguments.
- Communication between the Oralist presenting a Team's arguments and her/his Team's counsel table is prohibited.
- Communication at the counsel table among Team Members shall be in writing.

## 8.0 – Judging

### 1. – Judging Briefs

- Each Brief shall be individually and independently assessed by each Judge.
- Each Brief will be ranked on a scale between 1 and 30.
- Briefs will be judged based on the following criteria:
  - Correct legal analysis and its application to facts;
  - Quality and extent of research: relevant treaties, customs, case law, regional judgments, academic writings;
  - Recognition of problems: complete and correct recognition and weighting of problems;
  - Correct primary and alternative submissions;
  - Clarity of logic of arguments;
  - Evidence of original thought;

Overall presentation: language, structure, format, citations.

## 8.2 – Judging Oral Pleadings

- Each Team's Oral Pleadings will be ranked on a scale between 1 and 70.
- Each Team can be awarded a maximum of 70 points per oral pleading based on, but not limited to, the following criteria:

Correct legal analysis and its application to facts;  
Relevant treaties, relevant customs, case law, regional judgments, legal scholars;  
Recognition of problems: complete and correct recognition and weighting of problems;  
Clarity of logic of argument;  
Correct primary and alternative submissions;  
Evidence of original thought;  
Overall presentation;  
Ability to communicate with Judges: persuasiveness and fluency;  
Rebuttal: ability to respond to opposing side's arguments.

## 9.0 Determining the Winners: Final Judgments

- Each Team's Total Score is the sum of the Team's Briefs score and the Team's Oral Round score *before one Court*. If a Team pleads before both Courts, two distinct Total Scores will be associated to it.
- The winning Team before a Court shall be the Team with the highest Total Score.
- In case more than one Team pleads before both Courts, the organization will declare the winning Team of the Comparative Competition. This shall be the Team with the highest sum of its Total Scores before both Courts.
- The Organization retains the right to determine the winner of the competition by consultation rather than using the above procedure.
- Each Panel of Judges will express a judgment regarding the work of the Teams and will give them some advices about the presentations.

## NOTES

During the hearing, each Team may be supported by any material it will bring along. It is made clear that the Organizing Committee or the Host will not provide any paper copies, nor will grant the possibility for the teams to print out electronic files. For the sole purposes of the Competition, the Host will make available to the competing Teams Wi-fi connection and guest passwords.

## INFO

For information about the Program, potential teams and individuals can contact [mcbologna2018@gmail.com](mailto:mcbologna2018@gmail.com)

For information about logistics, discounted accommodations, and a limited financial support, potential teams can contact [eu\\_are@fscire.it](mailto:eu_are@fscire.it) (please write "MOOT COURT" in the subject field of your email, in order to specify the field of your query).