



RULES AND GUIDELINES FOR THE NATIONAL MOOT

The National Moot (Moot) is an annual competition of teams representing law schools/faculties of Maldives. This competition is organized by the Maldives International Arbitration Centre (MIAC). The Moot is intended to stimulate study of international commercial law and to encourage the use of arbitration to resolve commercial disputes.

1. Rules

These Rules are the rules applicable for the first Moot. The rules of the Moot are reviewed annually and are subject to change from Moot to Moot at MIAC's discretion.

2. Registration

2.1 The registration form will be available from MIAC. The completed form should be submitted to MIAC by 15 June 2020.

2.2 The registration form will include space for the name and details of a nominated contact person. All communications concerning the Moot will be sent by email to the nominated contact person. Teams are responsible for ensuring that the nominated contact person's information is kept up to date.

3. Language

The language of the competition shall be English.

4. Team Composition and Eligibility

4.1 Teams may come either from a law school or from another higher educational institution that includes law as part of study. Each participating law school or other institution may enter multiple teams.

4.2 Students pursuing an undergraduate qualifying law degree (L.L.B) course are eligible to participate in this competition.

4.3 Each team shall compromise of four members.

5. Structure

The competition shall be structured as following.

- a. Preliminary Rounds
- b. Quarter Final Rounds
- c. Semi Final Rounds
- d. Final Round

6. Participation

Each Round will consist of a series of oral hearing based on a Problem. In each of the oral hearings, two members of the team will present the argument. Other members of the team may not aid them during the hearing in anyway. Different members of the team may participate in different hearings.

7. The Problem

7.1 The problem will be distributed to all participants at a later date.

7.2 The facts in the dispute that is the subject matter of the Moot are given in the Problem. Facts alleged in the statement of claim statement of defense including the exhibits to those statements, as well as in the clarifications, are taken to be correct unless there is a contradiction between them. No additional facts maybe introduced into the Moot unless they are a logical and necessary extension of the given facts or are publicly available true facts.

7.3 Requests for clarification of the Problem must be submitted before the due date provided. Requests for clarifications 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. A clarification can be submitted to MIAC via email.

8. Written Memoranda

8.1 Each team must submit a memorandum in support of the claimant's position to the Moot administration via email. Each claimant memorandum will be made available to one of the other teams as soon as possible after the submission date. Teams that fail to

submit the memorandum by the end of deadline given will be considered not to have completed the registration for the Moot and will not be able to compete.

8.2 Each team will prepare a memorandum in support of the respondent's position in response to the memorandum in support of the claimant's position that was made available to it. MIAC or the Moot's designated administration will determine which team's memorandum for claimant will be made available to which other team. The memorandum for respondent must be submitted by via email. Teams that fail to submit the memorandum for respondent by that time will be considered to have withdrawn from the Moot at that time.

8.3 It is essential that the memorandum for respondent be responsive to all the arguments made in the memorandum for claimant as the judges will evaluating the memoranda based to a large degree on how well it refutes the arguments raised by the claimant. However, as the memorandum for claimant to which memorandum for respondent is to be prepared may not have made all of the arguments that the team preparing the memorandum for respondent believes should have been made, it should also address such issues, indicating that the specific argument was not explicitly raised by the claimant. In doing so, care should be taken to present a coherent argument for respondent and not a series of possibly disjointed responses to the claimant's argument.

9. Oral Hearings

9.1 The oral presentation of each team is, in principal, 30 minutes. The team should allocate the time available to the two individual advocates. However, the arbitral tribunal may exceed the time limits stated as long as neither team is allowed more than 45 minutes to present their arguments, including the time necessary to answer questions of the tribunal. It will be the responsibility of the tribunal to ensure that the teams are treated fairly.

9.2 The arbitrators will decide whether rebuttal arguments will be permitted. Whether or not rebuttal will be allowed can be expected to change from one argument to the next.

10. Arguments

Teams are not restricted to the arguments in their written memoranda. Claimants and respondents in their first hearing should expect to rely on the arguments given in their written memoranda or be prepared to justify why that position has been abandoned.

11. Assistance

11.1 **Written memoranda** – The students should do all the research and writing of the memoranda themselves. Faculty advisors, coaches and others may help identify the issues, comment on the persuasiveness of the arguments and when necessary, suggest other arguments that the students might consider employing. However, the final product must be of the students.

11.2 **Oral hearings** – There is no restriction to the amount of coaching a team may receive in preparation for the oral hearings. It is expected and encouraged for the teams to have practice arguments.

12. Scoring of memoranda

A panel of judges will score the memoranda on a scale of 50 to 100, on the basis of the quality of analysis, persuasiveness of argument, thoroughness of research and clarity of the writing. The judges will take into account whether arguments are based on facts not found in the problem or clarifications that are not logical and necessary extensions of given facts. When judging the memorandum for the respondent, account will be taken whether it is responsive to the arguments raised by the claimant.

13. Scoring for oral hearings

Each arbitrator will score each of the orator on a scale of 50 to 100. The scores of the two orators will be added to constitute the team score of the argument. In each round, arbitrators will score the oral arguments without knowledge of results of any earlier rounds. The individual score given to an orator by an arbitrator is entirely within the discretion of the arbitrator. There is no requirement that the arbitral panel agree on scores.

14. Awards

The awards given in the Moot are:

- Best Memorandum for Claimant
- Best Memorandum for Respondent
- Best Individual Oralist
- Best Overall Team